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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



JASON KANDER  
SECRETARY OF STATE

# MISSOURI REGISTER

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**JASON KANDER**

Administrative Rules Division

James C. Kirkpatrick State Information Center  
600 W. Main  
Jefferson City, MO 65101  
(573) 751-4015

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## IN THIS ISSUE:

### EMERGENCY RULES

Department of Social Services	
MO HealthNet Division	.923

### EXECUTIVE ORDERS .928

### PROPOSED RULES

Department of Labor and Industrial Relations	
Division of Workers' Compensation	.930
Department of Public Safety	
Missouri Gaming Commission	.930
Department of Social Services	
Family Support Division	.949
MO HealthNet Division	.951
Department of Insurance, Financial Institutions and Professional Registration	
Real Estate Appraisers	.965

### ORDERS OF RULEMAKING

Department of Public Safety	
Peace Officer Standards and Training Program	.969
Department of Social Services	
MO HealthNet Division	.977
Department of Health and Senior Services	
Office of the Director	.980

### Department of Insurance, Financial Institutions and Professional Registration

Missouri Dental Board	.981
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### DISSOLUTIONS .982

### SOURCE GUIDES

RULE CHANGES SINCE UPDATE	.986
EMERGENCY RULES IN EFFECT	.990
EXECUTIVE ORDERS	.991
REGISTER INDEX	.992

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
April 1, 2015 April 15, 2015	May 1, 2015 May 15, 2015	May 31, 2015 May 31, 2015	June 30, 2015 June 30, 2015
May 1, 2015 May 15, 2015	June 1, 2015 June 15, 2015	June 30, 2015 June 30, 2015	July 30, 2015 July 30, 2015
June 1, 2015 June 15, 2015	July 1, 2015 July 15, 2015	July 31, 2015 July 31, 2015	August 30, 2015 August 30, 2015
July 1, 2015 July 15, 2015	August 3, 2015 August 17, 2015	August 31, 2015 August 31, 2015	September 30, 2015 September 30, 2015
August 3, 2015 August 17, 2015	September 1, 2015 September 15, 2015	September 30, 2015 September 30, 2015	October 30, 2015 October 30, 2015
September 1, 2015 September 15, 2015	October 1, 2015 October 15, 2015	October 31, 2015 October 31, 2015	November 30, 2015 November 30, 2015
October 1, 2015 October 15, 2015	November 2, 2015 November 16, 2015	November 30, 2015 November 30, 2015	December 30, 2015 December 30, 2015
November 2, 2015 November 16, 2015	December 1, 2015 December 15, 2015	December 31, 2015 December 31, 2015	January 30, 2016 January 30, 2016
December 1, 2015 December 15, 2015	January 4, 2016 January 15, 2016	January 30, 2016 January 30, 2016	February 29, 2016 February 29, 2016
January 4, 2016 January 15, 2016	February 1, 2016 February 16, 2016	February 29, 2016 February 29, 2016	March 30, 2016 March 30, 2016

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 10—Nursing Home Program

### EMERGENCY AMENDMENT

**13 CSR 70-10.110 Nursing Facility Reimbursement Allowance.**  
The division is adding subsection (2)(P).

**PURPOSE:** *This amendment provides for a change in the Nursing Facility Reimbursement Allowance rate to thirteen dollars and forty cents (\$13.40) effective July 1, 2015.*

**EMERGENCY STATEMENT:** *The Department of Social Services, MO HealthNet Division finds that this emergency amendment is necessary to preserve a compelling governmental interest of collecting state revenue in order to provide nursing facility services to individuals eligible for the MO HealthNet nursing facility program. This emergency amendment changes the Nursing Facility Reimbursement Allowance (NFRA) rate from twelve dollars and eleven cents (\$12.11) to thirteen dollars and forty cents (\$13.40) effective July 1, 2015. An early effective date is required because the emergency amendment is necessary to establish the NFRA assessment rate effective July 1, 2015 for State Fiscal Year (SFY) 2016. The NFRA needs to be established in order to collect the state revenue to ensure funds are available to pay for nursing facility services for MO HealthNet participants in participating MO HealthNet nursing facilities with the funds appropriated for that purpose. The MO HealthNet Division also finds an immediate*

*danger to public health, safety, and/or welfare which require emergency actions. If this emergency amendment is not enacted, there would be significant cash flow shortages causing a financial strain on Missouri nursing facilities which service approximately twenty-four thousand (24,000) individuals eligible for the MO HealthNet nursing facility program. This financial strain, in turn, will result in an adverse impact on the health, safety, and welfare of MO HealthNet participants in need of nursing facility services. A proposed amendment which covers the same material is published in this issue of the Missouri Register. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 19, 2015, becomes effective July 1, 2015, and expires December 28, 2015.*

(2) NFRA Rates. The NFRA rates determined by the division, as set forth in (1)(B) above, are as follows:

(N) Effective October 1, 2011, the NFRA will be eleven dollars and seventy cents (\$11.70) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K); *and*

(O) Effective July 1, 2012, the NFRA will be twelve dollars and eleven cents (\$12.11) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K).; *and*

(P) Effective July 1, 2015, the NFRA will be thirteen dollars and forty cents (\$13.40) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K).

**AUTHORITY:** *sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.424, 198.427, 198.431, 198.433, 198.436, and 208.159, RSMo 2000, [and] sections 198.439, 208.153, and 208.201, RSMo Supp. [2012] 2013, and section 198.421, RSMo Supp. 2014. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 15—Hospital Program

### EMERGENCY AMENDMENT

**13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.**  
The division is amending subsection (3)(B).

**PURPOSE:** *This amendment provides for the State Fiscal Year (SFY) 2016 trend factor to be applied in determining Federal Reimbursement Allowance (FRA) funded hospital payments for SFY 2016.*

**EMERGENCY STATEMENT:** *The Department of Social Services, MO HealthNet Division (MHD) finds that this emergency amendment is necessary to preserve a compelling governmental interest of collecting state revenue in order to provide health care to individuals eligible for the MO HealthNet program and for the uninsured. An early effective date is required because this emergency amendment establishes the Federal Reimbursement Allowance (FRA) funded hospital payments for dates of service beginning July 1, 2015 in regulation to ensure that quality health care continues to be provided to MO*

HealthNet participants and indigent patients at hospitals that have relied on MO HealthNet payments to meet those patients' needs. In order to determine the trends for State Fiscal Year (SFY) 2016, all relevant information from the necessary sources must be available to MHD. The division uses the best information available when it starts calculating the payments so it uses the trend published in the **First Quarter Healthcare Cost Review** publication which is generally not available until May. The division must also analyze hospital data, which is not complete until near the end of the state fiscal year, in conjunction with the trend and funding to determine the appropriate level of payments. Without this information, the trends cannot be determined; therefore, due to timing of the receipt of this information and the necessary July 1, 2015 effective date, an emergency regulation is necessary. As a result, the MHD finds an immediate danger to public health, safety, and welfare which requires emergency actions. If this emergency amendment is not enacted, there would be significant cash flow shortages causing a financial strain on Missouri hospitals which serve over nine hundred twenty-six thousand (926,000) MO HealthNet participants plus the uninsured. This financial strain, in turn, will result in an adverse impact on the health, safety, and welfare of MO HealthNet participants and uninsured individuals in need of medical treatment. A proposed amendment, which covers the same material is published in this issue of the **Missouri Register**. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The MHD believes this emergency amendment to be fair to all interested persons and parties under the circumstances. The emergency amendment was filed June 19, 2015, becomes effective July 1, 2015, and expires December 28, 2015.

(3) Per Diem Reimbursement Rate Computation. Each hospital shall receive a MO HealthNet per diem rate based on the following computation:

(B) Trend Indices (TI). Trend indices are determined based on the four- (4-) quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill, or equivalent publication regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY). **Trend indices starting in SFY 2016 will be determined based on the Hospital Market Basket index as published in *Healthcare Cost Review* by Institute of Health Systems (IHS), or equivalent publication regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY).**

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%
- G. SFY 2000—4.0%
- H. SFY 2001—4.6%
- I. SFY 2002—4.8%
- J. SFY 2003—5.0%
- K. SFY 2004—6.2%
- L. SFY 2005—6.7%
- M. SFY 2006—5.7%
- N. SFY 2007—5.9%
- O. SFY 2008—5.5%
- P. SFY 2009—5.5%
- Q. SFY 2010—3.9%

R. SFY 2011—3.2%—The 3.2% trend shall not be applied in determining the per diem rate, Direct Medicaid payments, or uninsured payments.

- S. SFY 2012—4.0%
- T. SFY 2013—4.4%

U. SFY 2014—3.7%

V. SFY 2015—4.3%

W. SFY 2016—2.5%

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per diem rate and for SFY 1999 the OC of the June 30, 1998, rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999, rate shall be trended by 2.4%. The OC of the June 30, 2000, rate shall be trended by 1.95% for SFY 2001.

3. The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid payments computed in accordance with subsection (15)(B).

4. A facility previously enrolled for participation in the MO HealthNet Program, which either voluntarily or involuntarily terminates its participation in the MO HealthNet Program and which reenters the MO HealthNet Program, will receive the same inpatient rate and outpatient rate as the previous owner/operator. Such facility will also receive the same Direct Medicaid Add-On Payment and Uninsured Add-On Payment as the previous owner/operator if the facility reenters the MO HealthNet Program during the same state fiscal year. If the facility does not reenter during the same state fiscal year, the Direct Medicaid Add-On Payment and Uninsured Add-On Payment will be determined based on the applicable base year data (i.e., fourth prior year cost report for the Direct Medicaid Payment; see 13 CSR 70-15.220 for the applicable data for the Uninsured Add-On Payment). If the facility does not have the applicable base year data, the Direct Medicaid Add-On Payment and the Uninsured Add-On Payment will be based on the most recent audited data available and will include annual trend factor adjustments from the year subsequent to the cost report period through the state fiscal year for which the payments are being determined.

**AUTHORITY:** sections 208.153[,] and 208.201, **RSMo Supp. 2013, and section[s] 208.152, RSMo Supp. 2014.** This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 70—MO HealthNet Division

### Chapter 15—Hospital Program

#### EMERGENCY AMENDMENT

**13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).** The division is amending subsection (1)(A).

**PURPOSE:** This amendment provides for the State Fiscal Year (SFY) 2016 trend factor to be applied to the inpatient and outpatient adjusted net revenues determined from the Federal Reimbursement Allowance (FRA) fiscal year cost report to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

**EMERGENCY STATEMENT:** The Department of Social Services, MO HealthNet Division (MHD) finds that this emergency amendment is necessary to preserve a compelling governmental interest of collecting state revenue in order to provide health care to individuals eligible for the MO HealthNet program and for the uninsured. An early effective date is required because the emergency amendment is necessary to establish the Federal Reimbursement Allowance (FRA) assessment rate effective for dates of service beginning July 1, 2015 in regulation in order to collect the state revenue to ensure access to hospital services for MO HealthNet participants and indigent patients at hospitals that have relied on MO HealthNet payments to meet those patients' needs. The Missouri Partnership Plan between

the Centers for Medicare and Medicaid Services (CMS) and the Missouri Department of Social Services (DSS), which establishes a process whereby CMS and DSS determine the permissibility of the funding source used by Missouri to fund its share of the MO HealthNet program, is based on a state fiscal year. In order to determine the trends for State Fiscal Year (SFY) 2016, all relevant information from the necessary sources must be available to MHD. The division uses the best information available when it starts calculating the assessment so it uses the trend published in the **Fourth Quarter Healthcare Cost Review** publication which is generally not available until February. The division must also analyze hospital revenue data, which is not complete until near the end of the state fiscal year, in conjunction with the trend and hospital FRA funded payments to determine the appropriate level of assessment. Without this information, the trends cannot be determined. Therefore, due to timing of the receipt of this information and the necessary July 1, 2015 effective date, an emergency regulation is necessary. The MHD also finds an immediate danger to public health, safety, and welfare which requires emergency actions. If this emergency amendment is not enacted, there would be significant cash flow shortages causing a financial strain on Missouri hospitals which serve over nine hundred twenty-six thousand (926,000) MO HealthNet participants plus the uninsured. This financial strain, in turn, will result in an adverse impact on the health, safety, and welfare of MO HealthNet participants and uninsured individuals in need of medical treatment. The FRA will raise approximately \$1.087 billion for SFY 2016 (July 1, 2015 – June 30, 2016), of which \$20.7 million is attributable to the trend factor that is the subject of this emergency amendment. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The MHD believes this emergency amendment to be fair to all interested persons and parties under the circumstances. The emergency amendment was filed June 19, 2015, becomes effective July 1, 2015, and expires December 28, 2015.

(1) Federal Reimbursement Allowance (FRA). FRA shall be assessed as described in this section.

(A) Definitions.

1. Bad debts—Amounts considered to be uncollectible from accounts and notes receivable that were created or acquired in providing services. Allowable bad debts include the costs of caring for patients who have insurance, but their insurance does not cover the particular service procedures or treatment rendered.

2. Base cost report—Desk-reviewed Medicare/Medicaid cost report. The Medicare/Medicaid Cost Report version 2552-96 (CMS 2552-96) shall be used for fiscal years ending on or after September 30, 1996. The Medicare/Medicaid Cost Report version 2552-10 (CMS 2552-10) shall be used for fiscal years beginning on and after May 1, 2010. When a hospital has more than one (1) cost report with periods ending in the base year, the cost report covering a full twelve- (12-)/- month period will be used. If none of the cost reports covers a full twelve (12) months, the cost report with the latest period will be used. If a hospital's base cost report is less than or greater than a twelve- (12-)/- month period, the data shall be adjusted, based on the number of months reflected in the base cost report, to a twelve- (12-)/- month period.

3. Charity care—Those charges written off by a hospital based on the hospital's policy to provide health care services free of charge or at a reduced charge because of the indigence or medical indigence of the patient.

4. Contractual allowances—Difference between established rates for covered services and the amount paid by third-party payers under contractual agreements. The Federal Reimbursement Allowance (FRA) is a cost to the hospital, regardless of how the FRA is remitted to the MO HealthNet Division, and shall not be included in contractual allowances for determining revenues. Any redistributions of MO

HealthNet payments by private entities acting at the request of participating health care providers shall not be included in contractual allowances or determining revenues or cost of patient care.

5. Department—Department of Social Services.

6. Director—Director of the Department of Social Services.

7. Division—MO HealthNet Division, Department of Social Services.

8. Engaging in the business of providing inpatient health care—Accepting payment for inpatient services rendered.

9. Federal Reimbursement Allowance (FRA)—The fee assessed to hospitals for the privilege of engaging in the business of providing inpatient health care in Missouri. The FRA is an allowable cost to the hospital.

10. Fiscal period—Twelve- (12-)/- month reporting period determined by each hospital.

11. Gross hospital service charges—Total charges made by the hospital for inpatient and outpatient hospital services that are covered under 13 CSR 70-15.010.

12. Hospital—A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not fewer than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide, for not fewer than twenty-four (24) hours in any week, medical or nursing care for three (3) or more nonrelated individuals. The term hospital does not include convalescent, nursing, shelter, or boarding homes as defined in Chapter 198, RSMo.

13. Hospital revenues subject to FRA assessment effective July 1, 2008—Each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues subject to the FRA assessment will be determined as follows:

A. Obtain "Gross Total Charges" from Worksheet G-2, Line 25, Column 3 from CMS 2552-96, or Worksheet G-2, Line 28, Column 3 from CMS 2552-10, of the third prior year cost report (i.e., FRA fiscal year cost report) for the hospital. Charges shall exclude revenues for physician services. Charges related to activities subject to the Missouri taxes assessed for outpatient retail pharmacies and nursing facility services shall also be excluded. "Gross Total Charges" will be reduced by the following:

(I) "Nursing Facility Charges" from Worksheet C, Part I, Line 35, Column 6 from CMS 2552-96, or Worksheet C, Part I, Line 45, Column 6 from CMS 2552-10;

(II) "Swing Bed Nursing Facility Charges" from Worksheet G-2, Line 5, Column 1 from CMS 2552-96, or Worksheet G-2, Line 6, Column 1 from CMS 2552-10;

(III) "Nursing Facility Ancillary Charges" as determined from the Department of Social Services, MO HealthNet Division, nursing home cost report. (Note: To the extent that the gross hospital charges, as specified in subparagraph (1)(A)13.A. above, include long-term care charges, the charges to be excluded through this step shall include all long-term care ancillary charges including skilled nursing facility, nursing facility, and other long-term care providers based at the hospital that are subject to the state's provider tax on nursing facility services.);

(IV) "Distinct Part Ambulatory Surgical Center Charges" from Worksheet G-2, Line 22, Column 2 from CMS 2552-96, or Worksheet G-2, Line 25, Column 2 from CMS 2552-10;

(V) "Ambulance Charges" from Worksheet C, Part I, Line 65, Column 7 from CMS 2552-96, or Worksheet C, Part I, Line 95, Column 7 from CMS 2552-10;

(VI) "Home Health Charges" from Worksheet G-2, Line 19, Column 2 from CMS 2552-96, or Worksheet G-2, Line 22, Column 2 from CMS 2552-10;

(VII) "Total Rural Health Clinic Charges" from Worksheet C, Part I, Column 7, Lines 63.50–63.59 from CMS 2552-96, or Worksheet C, Part I, Column 7, Line 88 and subsets from CMS 2552-10; and

(VIII) "Other Non-Hospital Component Charges" from



Worksheet G-2, Lines 6, 8, 21, 21.02, 23, and 24 from CMS 2552-96, or Worksheet G-2, Lines 5, 7, 9, 21, 24, 26, and 27 from CMS 2552-10;

B. Obtain "Net Revenue" from Worksheet G-3, Line 3, Column 1. The state will ensure this amount is net of bad debts and other uncollectible charges by survey methodology;

C. "Adjusted Gross Total Charges" (the result of the computations in subparagraph (1)(A)13.A.) will then be further adjusted by a hospital-specific collection-to-charge ratio determined as follows:

(I) Divide "Net Revenue" by "Gross Total Charges"; and

(II) "Adjusted Gross Total Charges" will be multiplied by the result of part (1)(A)13.C.(I) to yield "Adjusted Net Revenue";

D. Obtain "Gross Inpatient Charges" from Worksheet G-2, Line 25, Column 1 from CMS 2552-96, or Worksheet G-2, Line 28, Column 1 from CMS 2552-10, of the most recent cost report that is available for a hospital;

E. Obtain "Gross Outpatient Charges" from Worksheet G-2, Line 25, Column 2 from CMS 2552-96, or Worksheet G-2, Line 28, Column 2 from CMS 2552-10, of the most recent cost report that is available for a hospital;

F. Total "Adjusted Net Revenue" will be allocated between "Net Inpatient Revenue" and "Net Outpatient Revenue" as follows:

(I) "Gross Inpatient Charges" will be divided by "Gross Total Charges";

(II) "Adjusted Net Revenue" will then be multiplied by the result to yield "Net Inpatient Revenue"; and

(III) The remainder will be allocated to "Net Outpatient Revenue"; and

G. The trend indices listed below will be applied to the apportioned inpatient adjusted net revenue and outpatient adjusted net revenue in order to inflate or trend forward the adjusted net revenues from the FRA fiscal year cost report to the current state fiscal year to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

(I) SFY 2009 = 5.50%

(II) SFY 2009 Missouri Specific Trend = 1.50%

(III) SFY 2010 = 3.90%

(IV) SFY 2010 Missouri Specific Trend = 1.50%

(V) SFY 2011 = 3.20%

(VI) SFY 2012 = 5.33%

(VII) SFY 2013 = 4.4%

(VIII) SFY 2014 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.70%

(IX) SFY 2015 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—4.30%

(X) SFY 2016 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.90%

14. Net operating revenue—Gross charges less bad debts, less charity care, and less contractual allowances times the trend indices listed in 13 CSR 70-15.010(3)(B).

15. Other operating revenues—The other operating revenue is total other revenue less government appropriations, less donations, and less income from investments times the trend indices listed in 13 CSR 70-15.010(3)(B).

**AUTHORITY:** section[s] 208.201, *RSMo Supp. 2013*, [and] section 208.453, *RSMo Supp. 2014*, and section 208.455, *RSMo 2000*. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 70—MO HealthNet Division

#### Chapter 20—Pharmacy Program

### EMERGENCY RULE

#### 13 CSR 70-20.340 National Drug Code Requirement

**PURPOSE:** This rule implements the requirement for the National Drug Code (NDC) for all medications administered in the clinic or outpatient hospital setting. The Deficit Reduction Act of 2005 (DRA) requires states to collect rebates for certain physician-administered drugs.

**EMERGENCY STATEMENT:** On April 13, 2015 the U.S. Department of Health and Human Services (HHS), Office of Inspector General (OIG) issued a final report entitled *Missouri Claimed Unallowable Federal Reimbursement for Some Medicaid Physician-Administered Drugs*. The OIG alleges that Missouri claimed federal reimbursement that was unallowable because it did not comply with the federal Medicaid requirements for billing manufacturers for rebates for physician administered drugs. For a covered outpatient drug to be eligible for federal reimbursement under the Medicaid program, a drug manufacturer must enter into a rebate agreement with the Centers for Medicare & Medicaid Services (CMS) and pay quarterly rebates to the states (Social Security Act Section 1927). To collect these rebates, states must submit to the manufacturers the drug utilization data containing National Drug Codes (NDCs) for all single source physician-administered drugs and for the top twenty (20) multiple-source physician-administered drugs. OIG recommended that the state update its Medicaid Management Information System (MMIS) to reject all physician-administered drugs that do not include NDCs in order to improve that state's ability to ensure that all such drugs eligible for drug rebates are invoiced. The Department of Social Services (DSS), MO HealthNet Division (MHD) does not believe the disallowance of federal funds is warranted. In order to limit future financial damage to the state Medicaid program, the MHD is filing this emergency rule to require that all Medicaid claims for all medications administered in the clinic or outpatient hospital setting (physician administered drugs) meet the requirement of containing NDC. The division finds this emergency rule necessary to promote the compelling governmental interest of complying with federal law and providing continued federal reimbursement for Medicaid physician-administered drugs. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. The MO HealthNet Division believes the emergency rule is fair to all interested persons and parties under the circumstances. A proposed rule covering this same material is published in this issue of the *Missouri Register*. This emergency rule was filed June 19, 2015, becomes effective July 1, 2015, and expires December 28, 2015.

(1) Effective for dates of service on or after July 1, 2015, MO HealthNet Division (MHD) will require the National Drug Code (NDC) for all medications administered in the clinic or outpatient hospital setting, to comply with federal law. MHD must collect the eleven-(11-) digit NDC on all outpatient drug claims submitted to MHD from all providers for rebate purposes in order to receive federal financial participation. Providers will be required to submit their claims with the exact NDC that appears on the product dispensed or administered to receive payment from MHD. The NDC is found on the medication's packaging and must be submitted in the five (5) digit – four (4) digit – two (2) digit format. If the NDC does not appear in the five (5) – four (4) – two (2) digit format on the packaging, zero(s) (0) may be entered in front of the section that does not have the required number of digits.

(2) All drug products produced by manufacturers that have entered into a rebate agreement with the Federal Government are reimbursable under the MHD Pharmacy Program, with the exception of Drug



Efficacy Study Implementation (DESI) drugs and drugs specified in Section 13, “Benefits and Limitations,” in the Pharmacy Manual. The MHD Pharmacy Manual can be found on the MHD website at: [http://manuals.momed.com/collections/collection\\_pha/print.pdf](http://manuals.momed.com/collections/collection_pha/print.pdf). A list of manufacturers that have entered into a rebate agreement with the Federal Government (along with the Labeler Code which is the first five (5) digits of the NDC number by which products may also be identified), can be found on the Centers for Medicare and Medicaid Services (CMS) website, in Drug Manufacturer Contact Information at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Benefits/Prescription-Drugs/Medicaid-Drug-Rebate-Program.html>. Products for which the Labeler Code is not included on the list are not reimbursable under the MHD Pharmacy Program.

(3) Drug charges submitted by providers on an electronic Professional or Institutional ASC X12 837 Health Care claim transaction or manually entered on a medical or outpatient claim into MHD’s billing website eMOMED ([www.emomed.com](http://www.emomed.com)), are to be billed with a valid J-Code and a valid NDC for each medication, including injections, provided to the participant. Medical or outpatient claim lines submitted with a J-Code without the corresponding NDC will be denied. For medical or outpatient claims correctly submitted with the appropriate J-Code and the corresponding NDC, the system will automatically generate a separate drug claim for the NDC to process as a pharmacy claim and will appear as a separate claim on your Remittance Advice. The corresponding line with J-Code and NDC will be dropped from the medical or outpatient claim. If an NDC is not provided, the J-Code will remain on the claim to report the denied line. If the drug being provided does not have a J-Code associated with it, the appropriate Healthcare Common Procedure Coding System (HCPCS) procedure code should be submitted with an NDC. For drugs without a valid HCPCS procedure code, revenue code 0250 “General Classification: Pharmacy” must be used with the appropriate NDC. Only drugs and items used during outpatient care in the hospital are covered. Take-home medications and supplies are not covered by MHD under the Hospital Program.

(4) A critical component to submitting claims with an NDC is to ensure that the appropriate HCPCS procedure code is billed with each NDC. To ensure accurate billing of drug charges, MHD will use the Noridian Crosswalk ([www.dnepadac.com](http://www.dnepadac.com)) to determine whether the appropriate HCPCS procedure code is billed for the submitted NDC. Claims will be denied if the NDC submitted is not valid for the HCPCS procedure code submitted.

(5) Section 1927(j)(2) of the Social Security Act calls for hospital dispensing covered outpatient drugs to bill the plan (MHD) “no more than the hospital’s purchasing cost according to State Plan” as a condition of being exempt from the NDC reporting requirement. Claims from 340B health care facilities for outpatient hospital covered drugs must be submitted with an NDC and/or a valid J-Code (not a dump code) for MHD to be able to identify the drug dispensed and to verify that the amount submitted is the facility’s actual acquisition cost for each item and quantity billed.

(6) All drug claims shall be routed through an automated computer system to apply edits specifically designed to ensure effective drug utilization. The Preferred Drug List (PDL) and clinical edits are designed to enhance patient care and optimize the use of program funds through therapeutically prudent use of pharmaceuticals. The edits are based on evidence-based clinical criteria and nationally recognized peer-reviewed information. This clinical information is paired with fiscal evaluation and then developed into a therapeutic class PDL recommendation. The PDL process incorporates clinical edits, including step therapies, into the MHD pharmacy program. Claims for drugs will automatically and transparently be approved for those patients who meet any of the system approval criteria. For those

patients who do not meet the system approval criteria, the drugs will require a call to the MHD Drug Prior Authorization hotline at (800) 392-8030 to initiate a review and potentially authorize payment of claims. Providers may also use the CyberAccess tool to prospectively determine if a drug is a preferred agent or requires edit override, electronically initiate an edit override review, and to review a participant’s MHD paid claim history.

(7) The quantity to be billed for injectables and other types of medications dispensed to MHD participants must be calculated as follows:

(A) Containers of medication in solution (for example, ampoules, bags, bottles, vials, syringes) must be billed by exact cubic centimeters or milliliters (cc or mL) dispensed, even if the quantity includes a decimal (e.g., if three (3) 0.5 mL vials are dispensed, the correct quantity to bill is 1.5 mLs);

(B) Single dose syringes and single dose vials must be billed per cubic centimeters or milliliters (cc or mL), rather than per syringe or per vial;

(C) Ointments must be billed per number of grams even if the quantity includes a decimal;

(D) Eye drops must be billed per number of cubic centimeters or milliliters (cc or mL) in each bottle even if the quantity includes a decimal;

(E) Powder filled vials and syringes that require reconstitution must be billed by the number of vials;

(F) Combination products, which consist of devices and drugs, designed to be used together, are to be billed as a kit. Quantity will be the number of kits used;

(G) The product Herceptin, by Genentech, must be billed by milligram rather than by vial due to the stability of the drug; and

(H) Non-Vaccines for Children (VFC) Immunizations and vaccines must be billed by the cubic centimeters or milliliters (cc or mL) dispensed, rather than per dose.

(8) Contrast materials and radiopharmaceuticals used in radiologic procedures may be billed separately using the appropriate HCPCS code and/or the NDC representing the materials or agent used in the procedure. If available, MHD would prefer the NDC for reporting purposes. If the material or agent used does not have an NDC, the appropriate HCPCS code alone is acceptable. All HCPCS codes for contrast materials and radiopharmaceuticals are manually priced and must be billed with the manufacturer’s invoice of cost attached to the claim.

*AUTHORITY: sections 208.153 and 208.201, RSMo Supp. 2013. Emergency rule filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

## EXECUTIVE ORDER 15-03

WHEREAS, I have been advised by the State Emergency Management Agency that a series of severe storm systems beginning on May 15, 2015, and continuing, have caused or have the potential to cause, damage associated with tornadoes, high winds, heavy rains, flooding and flash flooding impacting communities throughout the state of Missouri; and

WHEREAS, the severe weather is creating a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the severe weather has already affected homes, businesses, transportation infrastructure, agricultural land and other property across the state of Missouri; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

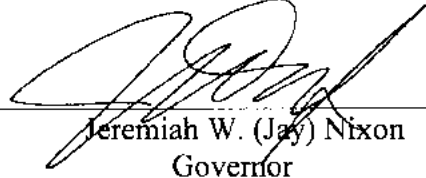
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, is required to ensure the protection of the safety and welfare of the citizens of Missouri.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the state of Missouri, including Section 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri and direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on July 18, 2015, unless extended in whole or in part.


IN WITNESS WHEREOF, I have hereunto set  
my hand and caused to be affixed the Great Seal  
of the State of Missouri, in the City of Jefferson,  
on this 18<sup>th</sup> day of June, 2015.



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Jeremiah W. (Jay) Nixon  
Governor

ATTEST:



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Jason Kander  
Secretary of State

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

hundred five percent (105%) of the current state average weekly wage for a period greater than six (6) consecutive months.

*AUTHORITY: section 287.650, RSMo 2000, and section 287.220.13, RSMo Supp. 2014. Original rule filed June 24, 2015.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written or email statement in support of or in opposition to this proposed rule with the Division of Workers' Compensation, Attn: Nasreen Esmail, Chief Counsel, PO Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Email comments shall be sent to Nasreen.Esmail@labor.mo.gov. No public hearing is scheduled.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY

### Division 45—Missouri Gaming Commission

#### Chapter 13—Hearings

#### PROPOSED AMENDMENT

**11 CSR 45-13.051 Bingo Hearings.** The commission is amending sections (1)–(7).

*PURPOSE: This amendment changes the procedures for notifying persons of ineligibility for licensing and adding them to the List of Ineligible Persons. This amendment also changes procedures for the commission's notifications of discipline of licensees and licensees' responsibility to respond and procedures involving the Administrative Hearing Commission.*

(1) A person whose application for a bingo license has not been granted for failing to establish suitability to hold a license or against whom a disciplinary action has been initiated, **including action to place the person's name on the List of Ineligible Persons (List)**, may request a hearing under this chapter. **The rules in this chapter shall be read together with Chapter 536, RSMo.**

(2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for or holder of a license of the type that may be issued by the director pursuant to 11 CSR 45-30.065(3). **The commission may also authorize the director to investigate and make the initial finding of ineligibility and to initiate proceedings to place a person on the List pursuant to 11 CSR 45-30.580.**

(3) Whenever the commission finds an applicant unsuitable or **ineligible** for licensing, the commission shall *[send a written letter to the applicant]* **notify the licensee or applicant in writing** outlining the reasons for the finding. This *[letter]* notice shall be sent to **the party's last known address** by certified mail, return receipt requested or by **another means of personal [delivery] service.**

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

### Division 50—Division of Workers' Compensation Chapter 2—Procedure

#### PROPOSED RULE

#### 8 CSR 50-2.025 Reasonable Standard Means Test

*PURPOSE: Section 287.220.13, RSMo, requires the division to promulgate a rule setting forth a reasonable standard means test to determine if an employee's employment warrants the suspension of life payment benefits. This rule sets forth the reasonable standard means test.*

(1) For purposes of section 287.220.13, RSMo, employment that warrants a suspension of benefits is employment that provides an employee with weekly wages that, on average, equal or exceed one

(4) When notified of facts sufficient to support disciplinary action against a bingo licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the **proposed** disciplinary action, *[proposed]* in writing, **outlining the reasons for the proposed discipline. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.**

(5) Any licensee who receives a notice of commission action *[may request a hearing on the proposed action before the Missouri Administrative Hearing Commission (AHC) as set forth in Chapter 621, RSMo.]* shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission. If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline. The hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

*[(6)](A)* If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

*[(7)](B)* If the AHC *[finds a factual basis to support the notice of commission action or accepts a waiver of hearing from the licensee,]* issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine *[and impose]* the appropriate *[discipline or other]* disciplinary action, and enter a final order.

*[(A)](6)* Upon receiving the case from the AHC, the commission *[will send information in writing by certified mail to the licensee stating that the proposed notice of commission action will be imposed against]* shall set the matter for a hearing in accordance with 11 CSR 45-13.030. The notice of hearing shall be in writing and shall notify the licensee. *The letter will provide the licensee thirty (30) days to file a request for hearing with the commission concerning the amount or severity of the discipline or other action.]* of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address.

*[(B) If the licensee does not file a request for hearing within thirty (30) days, the notice of commission action will be submitted to the commission for approval.]*

*[(C)](7)* *[If the licensee requests]* **Following** a hearing, *[a hearing will be conducted before a commission hearing officer regarding the appropriateness of the penalty to be assessed. The]* **before the commission's hearing officer in accordance with this chapter,** the hearing officer shall make a recommendation of discipline or other action to the commission as **authorized and set forth by 11 CSR 45-13.020.**

**AUTHORITY:** sections 313.004, 313.052 and 313.065, RSMo 2000, and sections 313.015, 621.045, and 621.110, RSMo Supp. 2013. Original rule filed June 30, 2003, effective Feb. 29, 2004. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 13—Hearings**

### **PROPOSED AMENDMENT**

**11 CSR 45-13.065 Settlements.** The commission is amending section (1), adding a section (2), and amending and renumbering sections (2) and (3).

**PURPOSE:** This amendment changes the procedures for settlements under Chapter 313, RSMo and bingo hearings to be according to section 621.045, RSMo.

(1) The parties may *[propose]* **initiate** settlement *[agreements to the hearing officer or to the commission]* **negotiations** at any stage of the proceedings, including prior to **the initiation of the proceedings before the Administrative Hearing Commission in the case of a bingo hearing, or prior to the entry of a final order [or prior to the initiation of the proceedings] of the commission.**

(2) **If the parties initiate settlement negotiations in a bingo hearing, then the provisions of section 621.045, RSMo shall be followed. All other settlements not involving a bingo licensee shall be governed by Chapter 313, RSMo, and the rules in this chapter.**

*[(2)](3)* All settlement agreements shall be in writing, signed by the parties, and accurately reflect all the terms of the settlement, including the facts agreed to by the parties constituting the grounds for the action proposed in the settlement **agreement.**

*[(3)](4)* *[The]* **Once signed by the parties, the** settlement agreement shall be presented to the commission for its approval or disapproval. If the commission approves the settlement offer it will become *[the]* a final commission order. If the commission disapproves the settlement offer the parties shall be notified and the settlement agreement and any documents solely relating to the offer shall not constitute part of the record.

**AUTHORITY:** sections 313.004, 313.052, and 313.560, RSMo [1994] 2000, sections 313.805[,] and 621.045, RSMo Supp. 2013, and section 313.800, RSMo Supp. 2014. Emergency rule filed Dec. 12, 1997, effective Dec. 22, 1997, expires June 19, 1998. Original rule filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition

to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.025 Bingo Promotions.** The commission is amending sections (1)–(4) and adding section (7).

*PURPOSE:* This amendment defines bingo promotions and clarifies procedures that shall be followed when conducting bingo promotions.

(1) Bingo promotions are defined as free drawings, [free merchandise, or any type of] free games, [other than free pull-tabs, free bingo paper, birthday packs, free daubers, or other free bingo paraphernalia] offered] or promotional giveaways in which cash, merchandise, or other item of value is awarded or given away in conjunction with a bingo [event in which cash, merchandise, or other item of value is awarded.] occasion where participants do not provide any consideration for participation in the promotion.

(2) Bingo promotions are not an authorized cost of conducting a bingo game under section 313.040, RSMo. Any bingo promotion a licensee may choose to conduct in conjunction with a licensed bingo [event] occasion shall be entirely funded from non-bingo funds or donations.

(3) Prizes awarded from bingo promotions will not count against the maximum that a licensed organization may award during any single bingo [event] occasion.

(4) Individuals participating in the management or conduct of a bingo promotion and bingo workers for a bingo [session] occasion involving a bingo promotion may not receive anything of value through that promotion. All other persons sixteen (16) years of age or older will be eligible to enter the bingo hall and participate in the drawing or game without any charge whatsoever, including admission fees, and with no solicitation of any kind for donations to participate.

(7) Licensed bingo organizations may give away pull-tabs, bingo paper, birthday packs, daubers, or other bingo paraphernalia free of charge to the players provided they accurately maintain documentation in their records as to the quantity of product given away during each occasion. The organization must also stipulate in the house rules, which must be posted in a prominent place in the bingo premises, which situations warrant the giveaways.

*AUTHORITY:* section 313.065, RSMo 2000. Original rule filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED RESCISSION**

**11 CSR 45-30.060 Operator(s).** This rule set forth the requirement that a person would be named who was responsible for the overall conduct, management, and operation of bingo by an organization.

*PURPOSE:* This rule is being rescinded because of changes in bingo procedures.

*AUTHORITY:* section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Rescinded: Filed June 25, 2015.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.070 Regular Bingo License.** The commission is amending section (1).

*PURPOSE:* This amendment changes the limit on bingo occasions allowed.

(1) A [r/Regular [b/Bingo [/License is a license issued to a qualified organization to conduct only the game of bingo as defined in section 313.005, RSMo. The number of bingo occasions conducted by a licensee is limited to two (2) [days/ bingo occasions per week, **not to be held on the same day**. The holder of a [r/Regular [b/Bingo

//License may also be the holder of a /s/Special /b/Bingo //License. A veterans' organization may be exempt from the limitation of two (2) [days] bingo occasions per week for play at a veterans' hospital as provided in section 313.060, RSMo.

**AUTHORITY:** section 313.040, RSMo Supp. 2013, and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.090 Additional Application Information for Bingo and Pull-Tab Licenses.** The commission is amending the title, section (2), and adding sections (3) and (4).

**PURPOSE:** This amendment updates the additional application information requirements.

(2) Also required with the **initial** application, each organization shall submit for approval a complete list of the officers of the applicant organization and a complete list of all two (2)-year bona fide members that will assist with the management, conduct, and operation of the bingo game. *[This list must]* **These lists shall include each individual's Social Security number and date of birth. A copy of each individual's driver license shall also be provided for each officer or worker.** Changes to the lists *[must]* shall be reported to the commission as they occur. **Any request to add an officer or worker to the list shall include the individual's Social Security number, date of birth, and a copy of the individual's driver license.**

(3) Each application or renewal application shall designate a bingo chairperson who shall be responsible for the overall supervision, management, and conduct of the bingo activities. The commission shall be notified as soon as possible but not later than thirty (30) calendar days from the date of any change of the bingo chairperson.

(4) Each regular bingo license application or renewal application shall include a game sheet and house rules. Revisions to the game sheet or house rules shall be submitted to the commission as they occur.

**AUTHORITY:** section 313.015, RSMo Supp. 2013, and sections

313.020 and 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, at 2015, 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.130 Member(s) in Charge.** The commission is amending section (1).

**PURPOSE:** This amendment changes wording and requires the member in charge to be familiar with the house rules.

(1) Every licensed organization shall designate a bona fide, active member of the organization to be in charge of, and primarily responsible for, each bingo occasion. The member in charge may change from occasion to occasion. The individual shall have been a member in good standing of the licensed organization for the last two (2) years and shall supervise all activities and be responsible for the conduct of all bingo games of which s/he is in charge. The member in charge shall be continually present on the premises during the occasion and shall be familiar with the provisions of the bingo law, applicable ordinances, *[and]* these *[rules]* regulations, and the licensee's house rules.

**AUTHORITY:** section 313.040, RSMo Supp. 2013, and section 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of



this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.140 Worker—Player.** The commission is amending section (1), adding section (2), and renumbering the remaining sections.

*PURPOSE:* This amendment prohibits the bingo chairperson or member in charge from playing bingo and/or pull-tabs during the occasion for which s/he is in charge.

(1) Any eligible person **approved by the commission to work bingo** may participate in the conduct, management, or operation of bingo and play bingo during the same occasion but may not be both a player and a worker during the same game. An eligible person *[must]* shall pay to participate in the playing of a bingo game or pull-tab cards in the same manner and at the same cost as any other player. If an eligible person works the first portion of the occasion and then purchases bingo paper or pull-tab cards and becomes a player, the person may not assist with the management, conduct, or operation of bingo or the sale of pull-tab cards for the remainder of the occasion. If an eligible person plays the first portion of the bingo occasion and then ceases playing and becomes a worker, the person may not participate as a player of bingo or pull-tab cards during the remainder of the occasion. An eligible person may only switch from player to worker or worker to player once during an occasion, and a switch will only be permitted during the first half of the bingo occasion.

(2) The bingo worker designated as the bingo chairperson or member in charge who is responsible for the overall game activities of a bingo occasion cannot both work and play bingo or pull-tabs during that occasion.

[[2]](3) Bingo workers are prohibited from purchasing bingo paper and/or pull-tabs and having another player play for them.

[[3]](4) Bingo workers are prohibited from playing bingo cards for a player.

*AUTHORITY:* section 313.040, RSMo Supp. 2013, and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled

for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED RESCISSION**

**11 CSR 45-30.145 Premises Required to be Open for Inspection.** This rule ensured that bingo licensees were complying with the bingo statutes.

*PURPOSE:* This rule is being rescinded because this language is also contained in 11 CSR 45-30.270 and it is redundant.

*AUTHORITY:* section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Rescinded: Filed June 25, 2015.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.150 Information to be Posted.** The commission is amending the purpose and section (1).

*PURPOSE:* This amendment changes wording and deletes "opportunities" from the required posted information.

*PURPOSE:* This rule requires full information regarding cost of bingo cards [or opportunities] to be posted in a conspicuous place at the bingo premises.

(1) *[Information required to be posted, in]* In addition to the Missouri bingo license, there shall be posted, in a conspicuous place at the bingo premises, full information regarding the cost of bingo cards, *[or opportunities or other information desired by the licensee, to include]* including the house rules which clearly explain how players are awarded prizes for bingo and pull-tabs, and other information desired by the licensee.

*AUTHORITY:* sections 313.030 and 313.065, RSMo [Supp. 1993] 2000. Emergency rule filed June 21, 1994, effective July 1, 1994,

expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.155 Bingo Equipment Defined.** The commission is amending the purpose and sections (1) and (2).

**PURPOSE:** This amendment changes the statutory citation and removes the reference to special game cards.

**PURPOSE:** This rule clarifies the definition of bingo equipment pursuant to section 313.005[(3)](4), RSMo.

(1) In addition to the items listed in section 313.005[(3)](4), RSMo the following items are considered paraphernalia used in the conduct of a bingo or pull-tab game or event:

(A) Bingo selection equipment which includes but is not limited to bingo blowers, hoppers, squirrel cages, manual or electronic display boards, electronic bingo card monitoring devices, and any equipment designated by the commission as bingo selection equipment; and

(2) Equipment used in the conduct of bingo [must] shall be maintained in good and proper working condition[s]. Equipment shall be operated in a manner so that each player is given an equal opportunity of winning. The object or balls to be drawn [must] shall be essentially the same as to size, shape, weight, and balance so that they are equally agitated and circulated within the receptacle and have an equal probability of being dispensed, selected, or drawn. [The bingo cards used for play in regular or special games must be readily identifiable as to type.]

**AUTHORITY:** section 313.005, RSMo Supp. 2013, and section 313.065, RSMo[, 2000. Original rule filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COM-**

**MENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.175 Organization (Operator) Record Keeping Requirements.** The commission is amending sections (1)–(3), (5), (8), and (10).

**PURPOSE:** This amendment changes record keeping requirements for bingo organizations.

(1) An organization shall maintain complete, accurate, and legible general accounting records that contain sufficient detail to furnish information, which [must] shall be made available and recorded at each occasion, regarding all bingo game activity including the number of admission fees, if any, the number of bingo cards and pull-tab cards sold by category and price. All working papers shall be maintained. Records shall be sufficient to adequately reflect gross receipts, as defined in 11 CSR 45-30.205, prizes awarded, expenses, and other bingo game related transactions to include all bingo paper and pull-tab sales which accurately reflect the requirements and restrictions contained in the *Missouri Constitution* and Chapter 313, RSMo.

(2) [Allowable expenses shall be determined by the amount of money paid out for prizes and checks written for bingo related expenses pursuant to Chapter 313, RSMo.] The bingo chairperson shall be responsible for all records necessary to accurately reflect the bingo operations and shall ensure timely filing of all required reports.

(3) Each organization shall [deposit its bingo proceeds in a financial institution located in Missouri and shall] perform a monthly reconciliation of the special bingo checking account, as required by 11 CSR 45-30.280, which lists outstanding checks, deposits, and beginning and ending book balances for the month.

(5) Winning bingo cards [or bingo sheets] for values of two hundred dollars (\$200) or more [must] shall be signed by the winner, dated, and retained by the organization for a period of one (1) year. If the winning pattern was achieved on a Braille bingo card, a photocopy of the Braille card [must] shall be signed, dated, and retained for a period of one (1) year.

(8) At the time each winning [bingo card, bingo sheet, or] pull-tab card is identified, it [must] shall be validated by either marking it with permanent ink or a hole punch[ed by the operator] so that it cannot be reused, resold, or reclaimed. All pull-tab winners [must] shall be retained until the end of each occasion to determine prizes awarded.

(10) Operators are only allowed to buy bingo paper, pull-tabs, and bingo equipment from suppliers licensed by the commission. If violations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo, are identified by the commission, the operator's license may be subject to penalties, suspension, or revocation.

The term bingo equipment and supplies does not include markers, cushions, bags, and other incidentals.

**AUTHORITY:** *section 313.050, RSMo Supp. 2013, and sections 313.052 and 313.065, RSMo 2000. Original rule filed Dec. 15, 1994, effective May 28, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY**

### **Division 45—Missouri Gaming Commission**

#### **Chapter 30—Bingo**

#### **PROPOSED AMENDMENT**

**11 CSR 45-30.180 Inventory, Ownership, and Leasing of Bingo Equipment.** The commission is amending sections (1) and (2).

**PURPOSE:** *This amendment changes requirements for storage of bingo cards and bingo products.*

(1) Accurate records *[must]* **shall** be maintained indicating the quantity and ownership of all equipment used directly in the conduct of bingo. *[Owner's name must be indicated on the equipment.]*

(2) Each licensee shall keep a separate **physical** inventory of bingo paper and pull-tab cards **which shall be stored on the bingo premises, as defined in 11 CSR 45-30.270. Licensed operators shall make all bingo products available for inspection upon request.** Bingo paper and pull-tab cards purchased by one licensee may not be used during another licensee's game without prior approval from the commission.

**AUTHORITY:** *sections 313.025 and 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 29, 1999, effective May 30, 2000. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY**

### **Division 45—Missouri Gaming Commission**

#### **Chapter 30—Bingo**

#### **PROPOSED AMENDMENT**

**11 CSR 45-30.190 Rules of Play.** The commission is amending section (1), adding new sections (2) and (7), amending sections (2) and (3), and renumbering the remaining sections.

**PURPOSE:** *This amendment changes rules for the conduct of play and clarifies the start time of the bingo occasion.*

(1) Except for pull-tab games, a bingo *[game]* **occasion** begins with the first letter and number drawn (called) **for the first bingo game as defined in 313.005, RSMo. No [B/bingo paper [may] or pull-tabs shall be sold [no] more than [two (2)] three (3) hours prior to the start of the first bingo game[, however, no]. No pull-tab sales may start before 7:00 a.m. The paper and/or pull-tab sales time [must] shall be clearly posted in the licensee's house rules or game [rules] sheet. All bingo paper and/or pull-tabs [must] shall be sold by approved workers and sales times are subject to approval by the commission. The drawing of hot balls, Bonanza balls, or wild balls in preparation for a subsequent bingo game during an occasion is not considered the start of the bingo occasion; however, the drawing of these balls shall be visible to and called in front of the majority of players. All seventy-five (75) balls shall be present in the receptacle before these balls are drawn.**

(2) All seventy-five (75) objects or balls shall be present within the receptacle before each bingo game is started. The physical drawing of the objects shall be visible to the majority of players and numbers shall be announced so that they are clearly heard by all players of that game.

*[(2)](3)* The amount of the prize and the permissible winning combination *[must]* **shall** be clearly announced prior to the start of each game. Verification of the winner of each game shall be openly conducted in the presence of the majority of the players. In the event of multiple winners in any single game, *[substitute prizes, not to exceed]* the aggregate announced dollar prize of the game shall be *[awarded] divided equally. [All seventy-five (75) objects or balls must be present within the receptacle before each bingo game is started. The physical drawing of the objects shall be visible to the majority of players and numbers must be announced so that they are clearly heard by all players of that game.] In the event of multiple winners in any single game in which merchandise is awarded as a prize, substitute prizes may be awarded provided that the organization does not exceed the single day prize limit set by the commission.*

(4) All disputes between the players and the licensed organization regarding prizes *[must]* **shall** be settled between the player(s) and the organization.

**[(3)](5) Operators may only conduct one (1) bingo game at a time.** When a player achieves the preannounced winning combination and the winning combination is verified, the next game *[must]* **shall** be commenced with a new bingo card or sheet.

**[(4)](6)** The aggregate retail value of all prizes or merchandise awarded, except prizes or merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo may not exceed three thousand six hundred dollars (\$3,600).

**(7) The bingo licensee shall conduct bingo in accordance with its house rules.**

*AUTHORITY: sections 313.005 and 313.040, RSMo Supp. [2010] 2013, and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.200 Merchandise Prizes.** The commission is amending sections (1) and (2).

*PURPOSE: This amendment removes "retail" from "fair market value."*

(1) When merchandise is awarded as a prize in a bingo game, its value shall be the suggested retail price or fair *[retail]* market value. Receipts for the purchase of merchandise or documentation as to the suggested retail price or fair market value of donated items to be awarded as merchandise prizes *[must]* **shall** be retained in the records of any licensee awarding the prizes to players or supplying the prizes to another licensee.

(2) When merchandise is provided or included as a prize with a pull-tab game, its value shall be the suggested retail price or fair *[retail]* market value. Receipts for the purchase of merchandise prizes or documentation as to the suggested retail price or fair market value of donated items to be awarded as merchandise prizes *[must]* **shall** be retained in the records of any licensed manufacturer that invents, fabricates, assembles, or otherwise produces the pull-tab game.

*AUTHORITY: sections 313.040 and 313.050, RSMo Supp. 2013,*

*and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.235 [Reasonable Market Rental Rate for Leased Premises and Leased Locations] Hall Provider License.** The commission is amending the title, the purpose, adding sections (1) and (4), amending sections (2)–(4), and renumbering the remaining sections.

*PURPOSE: This amendment clarifies hall provider's responsibilities.*

*PURPOSE: This rule [stipulates that information can be required by the commission to substantiate] specifies who shall obtain a Hall Provider License and the rental rate charged by a lessor to a bingo licensee.*

*[(1) Pursuant to section 313.025(1), RSMo the reasonable market rental rate for leased premises on which bingo will be conducted shall be determined by the commission. In determining if the rental rate is reasonable, the commission may request the applicant for licensure or licensed organization to submit documentation to substantiate that the rental rate is reasonable. The type of documentation shall be at the discretion of the commission.]*

**(1) A person who or business entity which owns or has a lease for at least five (5) years of a premises and intends to lease said premises to conduct bingo games shall obtain a Hall Provider License.**

**(2) [Hall] Licensed hall providers [who qualify to lease locations for the conduct of bingo] may only lease the location(s) for the conduct of bingo to [the type of (A), (B), and (C) licensees as described in 11 CSR 45-30.065, only if they] organizations which have obtained a [license] Regular/Annual Bingo License, Special Bingo and Pull-Tab License, or Special Abbreviated Pull-Tab License from the commission.**

**(3) [Licensees] Bingo licensees may not sublease the premises to any other bingo licensee for the purpose of conducting bingo without first obtaining a Hall Provider License.**

(4) Pursuant to section 313.025(1), RSMo the reasonable market rental rate for leased premises on which bingo will be conducted shall be determined by the commission. The commission may request the applicant for licensure or licensed organization to submit documentation to support the proposed rental rate. The type of documentation shall be at the discretion of the commission.

[(4)](5) Hall providers *[must]* shall charge each licensee their equal prorated amount of the rent which shall not exceed the prorated amount each licensee is charged for the same time under the terms of the lease.

[(4)] Example: If a hall provider's total weekly rental charge to four (4) bingo licensees is twelve hundred dollars (\$1,200), the hall provider must charge each organization twenty-five percent (25%) of the weekly rental charge or in this example three hundred dollars (\$300).

[(5)](6) Each licensee is responsible for paying the rent directly to the licensed hall provider from a check drawn from the licensee's bingo checking account.

**AUTHORITY:** sections 313.025 and 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

### PROPOSED RESCISSION

**11 CSR 45-30.250 Subsidiary Body—Application for License.** This rule set forth the guidelines by which the commission granted a subsidiary body of a parent organization a license to conduct the game of bingo when the subsidiary body had been in existence for less than five (5) years.

**PURPOSE:** This rule has not been used and is unnecessary.

**AUTHORITY:** section 313.065, RSMo Supp. 1993. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Rescinded: Filed June 25, 2015.

**PUBLIC COST:** This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

### PROPOSED AMENDMENT

**11 CSR 45-30.270 Premises Defined, Inspections, All Gambling and Gambling Devices Prohibited.** The commission is amending the purpose and sections (2) and (5).

**PURPOSE:** This amendment clarifies responsibilities regarding bingo premises.

**PURPOSE:** This rule establishes the presumption that gambling violations which occur on a licensee's premises *[during the period of bingo play]* have been sanctioned by the licensee, its officers, and agents.

(2) The premises where any game of bingo is being conducted, or where any game of bingo is intended to be conducted, shall be open for inspection by the commission or its appointed representatives. The licensed hall provider or the licensed bingo organization/operator, or any entity determined by the commission or the courts required to have a license pursuant to Chapter 313, RSMo, *[must]* shall permit access to said premises during any reasonable time as requested by the commission or its representative. *[Licensed operators must make available for inspection all bingo products, records including bank statements, purchase invoices, disbursement records etc., pursuant to Chapter 313, RSMo, or the rules and regulations promulgated thereunder.]*

(5) The commission shall have the right to **impose penalties and suspend**, revoke, or deny any license issued under Chapter 313, RSMo for any other violations related to illegal gaming and/or gambling under Missouri law.

**AUTHORITY:** sections 313.052 and 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Emergency amendment filed Nov. 17, 1995, effective Nov. 27, 1995, expired May 24, 1996. Amended: Filed Nov. 17, 1995, effective April 30, 1996. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED RESCISSION**

**11 CSR 45-30.280 Net Receipts from Bingo and Bank Account.**  
This rule explained the proper disposition of bingo receipts.

**PURPOSE:** *This rule is being rescinded because the reorganization of the rule and additional requirements necessitated the adoption of a new rule.*

**AUTHORITY:** *section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 29, 1999, effective May 30, 2000. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Oct. 26, 2006, effective May 30, 2007. Rescinded: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED RULE**

**11 CSR 45-30.280 Net Receipts from Bingo and Bank Account**

**PURPOSE:** *This rule explains the requirements for starting cash, maintaining the bingo checking account, and the disposition of bingo receipts.*

(1) All receipts from each bingo occasion, less the amount awarded as cash prizes for that occasion, shall be deposited in a special bingo checking account in a financial institution located in Missouri no later than the next business day following the date of the bingo occasion. Disbursements for reasonable and necessary expenses incident

tal to the conduct of bingo games shall be paid from the special bingo checking account on preprinted, serially numbered checks. Checks shall be payable to a specific payee. At no time may checks be made payable to "cash." An organization may use a debit transaction instead of a check; however, each debit transaction shall be reported with other disbursements from the bingo checking account on the quarterly report as required by 11 CSR 45-30.210. All debit transactions shall be documented with a receipt or other supporting documentation to ensure proper use of bingo proceeds.

(2) If an organization uses starting cash, a check shall be written to a financial institution, retail establishment, or to a charitable organization to obtain the starting cash. The entire amount of the starting cash obtained by the organization shall be redeposited into the bingo checking account no later than the next business day. An organization may use a debit transaction instead of a check to obtain starting cash from their bingo checking account; however, each debit transaction shall be reported with other disbursements from the bingo checking account on the quarterly report, as required by 11 CSR 45-30.210.

(3) Pursuant to section 313.040.1, RSMo, the entire net receipts over and above the actual cost of conducting the game of bingo as enumerated in section 313.040.1, RSMo may be paid from the bingo checking account into the general treasury of the licensed bingo organization. All bingo funds paid into the general treasury of the licensed bingo organization shall be devoted exclusively to lawful, charitable, religious, or philanthropic purposes of the licensed organization. However, no funds from any source shall be used to compensate anyone affiliated with the licensee for managing, conducting, or operating the game of bingo or to provide any services or equipment for the game of bingo.

(4) Game operators may transfer funds from another account into the bingo checking account to cover bingo game-related expenses. Bingo operators may not deposit receipts from any other fund-raising activities of the organization into the bingo checking account. Any monies deposited into the bingo checking account are deemed to be bingo proceeds and can only be used to pay bingo gaming expenses or for religious, charitable, or philanthropic purposes.

(5) Bingo funds may be used for up to three (3) members of the organization to attend up to two (2) bingo-related conventions per calendar year. The following documentation shall be retained in the licensee's bingo records, and made available to commission staff upon request, for any convention expenses paid from bingo proceeds: 1) an official brochure containing the agenda and cost of the convention; 2) the names of the members attending and the title they hold in the organization; and 3) all receipts for associated costs such as mileage, hotel, and other reasonable expenses. Organizations may use bingo proceeds to pay reasonable fees to hold membership in a bingo-related association or organization. Documentation shall be retained reflecting the cost of said membership.

(6) The bookkeeping or accounting records of the licensed organization shall completely and accurately reflect the net amount received from operating bingo. The total expenditures for lawful, charitable, religious, or philanthropic purposes from all revenue sources shall equal or exceed the net receipts from bingo.

(7) The commission upon request may examine any account into which bingo proceeds are deposited or transferred.

(8) Any licensee who denies the commission access to any account into which bingo proceeds are deposited or transferred may have its license immediately suspended until such access is granted.

**AUTHORITY:** *sections 313.040 and 313.050, RSMo Supp. 2013, and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994,*

effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 29, 1999, effective May 30, 2000. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Oct. 26, 2006, effective May 30, 2007. Rescinded and readopted: Filed June 25, 2015.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.340 Participation of Full-Time Employee, Full-Time Staff Member, or Ordained Member of Clergy.** The commission is amending the title and section (5) and adding section (6).

**PURPOSE:** This amendment requires that any person who conducts or operates bingo games not receive remuneration and that no part-time employee or staff member of the licensed organization be employed in the management, conduct, or operation of the bingo games unless authorized by the commission.

(5) No part-time employee or part-time staff member of the organization licensed to conduct bingo may participate in the management, conduct, or operation of the organization's licensed bingo games without the prior approval of the commission.

(6) No person may receive remuneration for conducting or operating a bingo game.

**AUTHORITY:** section 313.040, *RSMo Supp. 2013*, and section 313.065, *RSMo 2000*. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, com-

ments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.355 Sale of Pull-Tab Cards by Bingo Licensees.** The commission is amending sections (1) and (2), adding new sections (3) and (5), and rearranging and renumbering sections (4) and (5).

**PURPOSE:** This amendment changes the maximum price for pull-tabs, requires pull-tabs to remain sealed until purchased, and gives procedures for disposing of pull-tabs that are no longer marketable.

(1) A pull-tab card is any disposable card or ticket which accords a person an opportunity to win something of value by opening, pulling, detaching, or otherwise removing tabs from the card or ticket to reveal a set of numbers, letters, symbols, or configurations, or any combination thereof. The term pull-tab card shall include any card known as a pickle ticket, pickle, break-open, event ticket, or pull-tab card. Such pull-tab cards *[must]* shall award at least sixty percent (60%) of the gross revenues generated by the ultimate sale of the entire unit container or box to the final purchaser(s).

(2) The price for a single pull-tab card may not exceed *[one dollar (\$1)]* five dollars (\$5).

(3) Each pull-tab shall remain sealed until purchased.

*[(3)](4)* The use of any pull-tab/s/ card that is not within the definitions of Chapter 313, *RSMo* is prohibited.

(5) Pull-tabs, excluding event tickets, which are considered to be no longer marketable, may be disposed of in one (1) of the following manners:

(A) Offer the remaining pull-tabs for sale at a discounted price, either individually or in bundles;

(B) Offer the pull-tabs as a free promotion in accordance with regulation 11 CSR 45-30.025;

(C) Combine the remaining pull-tabs with another pull-tab of the same face value; or

(D) If enough prizes have been awarded to meet statutory requirements as outlined in section 313.057.11, *RSMo*, the game may be declared terminated by completing a form provided by the commission and by following the instructions for disposition outlined in the form.

*[(4)](6)* Licensees possessing a *[type A or B license, as identified in 11 CSR 45-30.065(1)(A) and (B)]* Regular/Annual Bingo License or Special Bingo and Pull-Tab License must comply with the following:

(A) On each occasion, pull-tab cards may be sold no more than *[two (2)]* three (3) hours prior to the start of the first game of bingo, except that no bingo pull-tab cards may be sold prior to 7:00 a.m.;

(B) The sale of pull-tab cards must be discontinued immediately at the conclusion of the last bingo game of an occasion; and

(C) Pull-tab cards shall only be sold during the time of a scheduled occasion and only on the stated premises as identified in the license application of the organization.



*[(5)](7)* Licensees possessing a *[type C license, as identified in 11 CSR 45-30.065(1)(C),]* **Special Abbreviated Pull-Tab License** must comply with the following:

(A) An organization may conduct no more than fifteen (15) occasions per calendar year at which only pull-tabs cards are sold;

(B) Pull-tab cards may only be sold during a scheduled occasion and on the stated premises as identified in the license application of the organization; and

(C) No bingo games may be conducted.

**AUTHORITY:** *section 313.057, RSMo Supp. 2013, and section 313.065, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo**

### **PROPOSED RULE**

#### **11 CSR 45-30.357 Event Ticket**

**PURPOSE:** *This rule defines a pull-tab event ticket game.*

(1) A pull-tab event ticket game is a type of pull-tab game which is comprised of a series of hold tickets and may include instant winners. Either bingo selection equipment or the verify window on the flare is used to determine the winning hold ticket(s). Pull-tab event ticket games can be conducted either separately or simultaneously with a bingo game.

(2) All rules governing the sale of pull-tab cards by bingo licensees shall apply to event ticket games and in addition—

(A) The sale and play of a pull-tab event ticket game shall be started and completed during a single occasion;

(B) Even if all tickets have not been sold during the occasion, the pull-tab event ticket game shall be played during that occasion in such a manner to ensure at least sixty percent (60%) of the gross revenues generated by the ultimate sale of the entire game is paid out in prizes; and

(C) Any unsold pull-tab event tickets shall be reported to the commission and retained until approved for disposal.

**AUTHORITY:** *section 313.065, RSMo 2000. Original rule filed June 25, 2015.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo**

### **PROPOSED AMENDMENT**

**11 CSR 45-30.370 Progressive Games.** The commission is amending the purpose, sections (1)–(5), (7), and (9), deleting sections (6) and (8), adding new sections (7) and (11), and renumbering sections (7)–(11).

**PURPOSE:** *This amendment clarifies the procedures for conducting progressive bingo games and specifies who may conduct progressive games.*

**PURPOSE:** *This rule establishes the guidelines for the conduct of progressive bingo games by organizations/operators [pursuant to House Bill 1159 et al].*

(1) A progressive game is one in which the established prize amount *[must]* **shall** be increased from one occasion to the next scheduled occasion if no player completes the required winning pattern within the specified number of bingo balls drawn as posted by the game operator. If after ten (10) occasions the progressive prize has not been awarded, the game operator must increase the number of balls drawn to complete the winning pattern **by at least one (1) above the highest number required in the previous ten (10) occasions at each subsequent** occasion until the progressive prize is awarded.

(2) *[Two]* **Only two** (2) progressive games may be conducted per occasion.

(3) A prize for a progressive game may start at an amount not to exceed one thousand dollars (\$1,000) and must be increased by no more than two hundred fifty dollars (\$250) *[for]* **at each subsequent** occasion *[during which the progressive game is played]*.

(4) If *[the]* a progressive *[game]* prize is not awarded at a bingo occasion, the progressive game shall be continued at each *[succeeding]* **subsequent** occasion until *[such time a winner is determined. The winning prize does not have to be the full amount, but]* **the progressive prize is awarded. In the event no player completes the required winning pattern within the specified number of bingo balls drawn at the occasion, one (1) stated consolation prize [may] shall be offered and awarded. The consolation prize is exempt from section 313.040(4), RSMo; however, the consolation prize must be less than the value of the progressive [game] prize amount and only one (1) consolation prize [may] shall be offered and/or] awarded per [occasion] progressive game per occasion.**

(5) All progressive bingo games *[must]* **shall** be fully described and posted in the house rules prior to the start of the occasion and *[must]* **shall** comply with all other statutory and *[rule and regulation]* **regulatory** requirements. *[Said]* This description shall include dates and times when the progressive games shall be played, *[to include type (B) special events]* **including any progressive game conducted in conjunction with a Special Bingo and Pull-Tab License**, if any. Each game operator *[must]* **shall** submit a progressive game activity report for each progressive game with *[their]* **its** quarterly report as defined in 11 CSR 45-30.210. The report *[must]* **shall** indicate the date, progressive prize offered, **consolation prize offered**, number of balls needed to win the progressive prize, and the prize amount awarded.

*[(6) When a person achieves the first preannounced winning combination, the game is completed and the next game and winning combination must be commenced with a new bingo card or sheet and all seventy-five (75) objects/balls in the receptacle.]*

*[(7)](6)* Each operator's/licensee's progressive game set of rules *[must]* **shall** remain in effect until the game ends and the **progressive prize** winner is determined.

*[(8) Type (A) licensees may conduct progressive games during a type (B) occasion as defined in 11 CSR 45-30.065, if approval is granted by the commission prior to the licensed event. The occasion must be open to the public. However, progressive games may not be conducted in conjunction with a type (B) Special Event only Bingo License.]*

(7) A holder of a Regular/Annual Bingo License may conduct its progressive game during a special bingo and pull-tab licensed event, if approval is granted by the commission prior to the licensed event. The special bingo and pull-tab event must be open to the public. No other special bingo and pull-tab licensee may conduct a progressive bingo game at its event.

*[(9)](8)* An operator may not cease bingo operations unless the progressive bingo game(s) in play is completed and the **progressive prize** is awarded, unless prior approval has been received from the commission.

*[(10)](9)* Game operators who conduct progressive games *[must]* **shall** maintain cash reserves in their bingo checking account in an amount equal to or greater than any progressive game prize offered.

*[(11)](10)* Progressive games may be played on electronic bingo card monitoring devices.

(11) A hot ball progressive game is a bingo game in which a certain number of bingo balls are drawn from the receptacle prior to the start of the game. These balls are considered "hot balls." If a bingo player achieves the winning pattern and the last number called is a "hot ball," then the progressive prize is awarded. If after ten (10) occasions the progressive prize has not been awarded, the game operator shall increase the number of hot balls drawn to complete the winning pattern each subsequent occasion until the progressive prize is awarded.

*AUTHORITY: sections 313.013 and 313.065, RSMo 2000, and section 313.040, RSMo Supp. 2013. Emergency rule filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Original rule filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed Oct. 29, 1999, effective May 30, 2000. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

### PROPOSED RULE

#### 11 CSR 45-30.523 Supplier License

*PURPOSE: This rule defines the supplier license and sets the requirements for the supplier license, including bonding procedures.*

(1) A supplier is a person or business entity that sells, markets, or otherwise provides bingo equipment or supplies to any bona fide religious, charitable, fraternal, veteran, or service organization.

(2) As part of the supplier license application process, a supplier shall either post a bond or provide an irrevocable letter of credit.

*AUTHORITY: sections 313.005 and 313.057, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed June 25, 2015.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

### PROPOSED AMENDMENT

**11 CSR 45-30.525 Supplier Record Keeping Requirements.** The commission is amending sections (1) and (3)–(6).

*PURPOSE: This amendment changes requirements for record keeping for suppliers and removes the requirement to send copies of credit*

*memorandums to the commission.*

(1) All records regarding the receipt of bingo products including bingo paper, pull-tabs, and bingo equipment from licensed manufacturers and the sale of these products to licensed Missouri operators, other licensed suppliers or operators, or suppliers in other states, *[must]* **shall** be maintained.

(3) Suppliers shall record sales transactions of the products listed above on a preprinted **or computer-generated** serially numbered sales invoice. A minimum of three (3) copies of each invoice *[are required]* or two (2) copies and a payment stub **are required**. **One (1) copy of the invoice shall be retained by the supplier.** Two (2) copies *[are to be sent to the operator]* or one (1) copy and the payment stub **shall be sent to the operator** with the order and/or billing. One (1) copy *[is to]* **shall** be retained by the operator, and one (1) copy or the payment stub *[is to]* **shall** be returned with the payment to the supplier. *[The supplier must retain a copy of the original invoice.]* The date of the sale *[will]* **shall** be evidenced by the date on the invoice. Voided invoices *[must]* **shall** also be retained.

(4) A sales invoice shall include:

(E) Total number of pull-tabs per deal, retail price per pull-tab, and serial number of each pull-tab deal;

(F) Total number of bingo cards, *[number of packets,]* number of bingo cards on each sheet, number of bingo sheets in each packet, and serial number and color of the top sheet of each packet;

(5) Credit for Returned Products—Suppliers will be allowed credit for returned products, if a credit memorandum has been received from the manufacturer. *[One (1) copy of the credit memorandum must be mailed with the applicable monthly tax report to the commission and one (1) copy must be retained by the supplier.]* Credit memorandums *[should also]* **shall** be issued by suppliers to bingo operators for returned merchandise, which may be resold to another operator. The credit memorandum issued to the operator *[should]* **shall** indicate the same type of information as the sales invoice. The amounts *[should]* **shall** be shown as negative amounts for both the cost of the goods and the tax. When the items are resold to another operator, the total tax amount *[should]* **shall** be on the sales invoice. When the supplier files the monthly report, the returned merchandise *[should]* **shall** be shown as a negative amount.

(6) Supplier to Supplier Sales—Suppliers will be allowed to make tax-free sales to other licensed suppliers, if a Bingo Resale Exemption Certificate is completed and signed by the seller and the purchaser. One (1) copy *[must]* **shall** be retained by the seller, one (1) by the purchaser, and one (1) shall be filed with the commission. *[Resale Exemption Certificates are valid for a period of five (5) years.]* Sales invoices for supplier to supplier sales *[must]* **shall** include the same information as invoices to operator sales.

**AUTHORITY:** *section 313.057, RSMo Supp. 2013, and section 313.065, RSMo 2000. Emergency rule filed Dec. 15, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed May 2, 1995, effective May 12, 1995, expired Sept. 8, 1995. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed Oct. 1, 2001, effective May 30, 2002. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private enti-*

*ties more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY**

### **Division 45—Missouri Gaming Commission**

#### **Chapter 30—Bingo**

### **PROPOSED AMENDMENT**

**11 CSR 45-30.535 Penalties.** The commission is amending the purpose and sections (2), (5), and (7).

**PURPOSE:** *This amendment clarifies the assessment of penalties.*

**PURPOSE:** *This rule specifies the penalties which may be assessed by the commission against licensees for violations of the bingo statutes and regulations, pursuant to section 313.052, RSMo.*

(2) The commission may also assess the penalties outlined in this rule against any entity *[who]* **which** should have obtained a license as determined by the commission or by the courts and failed to do so.

(5) Any manufacturer or supplier may be assessed tax, interest, and/or a penalty **pursuant** to section 313.052, RSMo, to be determined by the commission for violation of sections 313.004 to 313.085, RSMo, or the rules and regulations promulgated thereunder.

(7) For purposes of this rule, the term licensee includes an individual or an officer, **member, partner,** or employee of the licensee *[or a member or employee of the licensee]* who *[is]* **was** under a duty to perform the act *[in respect of]* which **led** to the violation(s) *[occurs]*.

**AUTHORITY:** *sections 313.052, 313.065, and 313.070, RSMo 2000. Original rule filed July 3, 1995, effective Jan. 30, 1996. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.540 Approval of Bingo Paraphernalia.** The commission is amending sections (1) and (2).

*PURPOSE: This amendment allows electronic representations to be used for submission of flares, pull-tabs, coin boards, and payout sheets to the commission for approval.*

(1) Licensed manufacturers shall submit **to the commission** all pull-tab flares and five (5) pull-tabs including at least one (1) winning pull-tab and one (1) losing pull-tab, and a payout (profit) sheet for each form of the pull-tab, *[to the commission]* and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state. If the pull-tab deal is an event ticket game, a sample pull-tab ticket for each type of hold or play ticket and play instructions *[must]* shall also be submitted with the request for approval. **In lieu of submitting actual products, the licensee may submit an electronic representation of the flare, pull-tabs, and payout (profit) sheet for each form. The electronic representation shall include all symbols used in the game.**

(2) Licensed manufacturers shall submit **to the commission** all coin boards, excluding the actual coins and prizes, or legible artwork of the coin board and five (5) pull-tabs including at least one (1) winning pull-tab and one (1) losing pull-tab, and a payout (profit) sheet *[to the commission]* and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state. **In lieu of submitting actual products, the licensee may submit an electronic representation of the coin boards, pull-tabs, and payout (profit) sheet for each form. The electronic representation shall include all symbols used in the game.**

*AUTHORITY: section 313.065, RSMo 2000. Original rule filed May 6, 2003, effective Jan. 30, 2004. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.545 Contraband.** The commission is amending sections (1)–(4).

*PURPOSE: This amendment updates the language of the rule.*

(1) *[On or after January 1, 1995, any]* **Any** bingo cards, bingo faces, or pull-tabs that have not been purchased from a Missouri licensed supplier are declared contraband.

(2) *[On or after January 1, 1995, any]* **Any** bingo cards, bingo faces, or pull-tabs sold or offered for sale by an operator or business entity who possesses such material knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity with intent to distribute pursuant to section 572.030, RSMo, and has not obtained the required license pursuant to Chapter 313, RSMo, are declared contraband.

(3) *[On or after January 1, 1995, any]* **Any** bingo cards, bingo faces, or pull-tabs that have been sold for use in the state that have not been manufactured or purchased from a Missouri licensed manufacturer are declared contraband.

(4) Pull-tabs that do not meet the statutory requirements of sections 313.004 to 313.085, RSMo or have not been approved by the commission are declared contraband.

*AUTHORITY: section 313.065, RSMo 2000. Original rule filed July 3, 1995, effective Jan. 30, 1996. Emergency amendment filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.550 Licensee's Duty to Report and Prevent Misconduct.** The commission is amending sections (1)–(3).

*PURPOSE: This amendment adds the requirement to submit to the commission any activities different from those permitted under the license and clarifies language.*

(1) Licensees, workers, **members, partners, agents,** and employees of a licensee shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than a traffic violation) or commission rule committed by any licensed bingo manufacturer, supplier, or organization, *[their]* its workers or employees, **including, without limitation, the performance of licensed activities different from those permitted under its license.**

(2) *[At no time shall any]* Any licensed bingo organization's *[or its]* workers *[fail to take reasonable]* **shall immediately take reasonable** action to prevent or suppress any violent quarrel, disorder, brawl, fight, or other improper or unlawful conduct of any person at a bingo occasion.

(3) In the event that a licensee's*[, or a]* worker, **agent, partner, member,** or employee *[of a licensee]* knows **or should have known** that an illegal or violent act has been committed in association with bingo activities, the individual shall *[promptly]* **immediately** report the occurrence to the commission *[/and local law enforcement officials, if applicable/]*, and shall cooperate with **law enforcement** authorities and agents of the commission during the course of any investigation of the occurrence.

*AUTHORITY: sections 313.052 and 313.065, RSMo 2000. Original ruled filed May 6, 2003, effective Jan. 30, 2004. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.575 Pull-Tab Packaging, Assembly, and Distribution.** The commission is amending the title, sections (1)–(5), (8), adding a new section (9), and renumbering and amending section (9).

*PURPOSE: This amendment requires each pull-tab deal to have the same unique serial number stamped on the flare and on each pull-tab card. It also requires pull-tabs to be designed in such a way that they may not be resealed, eliminating the possibility of being reused or resold.*

(1) Manufacturers of pull-tabs shall assemble~~[,]~~ and package each pull-tab deal *[or series]* intended for sale in Missouri as follows:

**(A) Each pull-tab deal shall have the same unique serial number stamped on the flare and on each pull-tab card included in the deal;**

*[(A)](B)* Each *[series of pull tabs]* **pull-tab deal** shall contain a packing slip placed inside or attached to the box(es) or container(s); and

*[(B)](C)* The packing slip *[must]* **shall** contain the name of the manufacturer, serial number, person(s) who packed it, and the date the deal *[or series]* was packaged.

(2) Winning pull-tabs *[must]* **shall** be randomly distributed and mixed among all other pull-tabs within a deal and/or series so as to eliminate any pattern *[as]* between series, or portions of series, from which the location or approximate location of any of the winning tabs

may be determined. The pull-tab deal or series must be assembled so that no placement **or design** of winners or losers exists that allows **for** the possibility of *[prize manipulation or "pick out."]* **picking the winning pull-tabs.**

(3) Manufacturers *[must]* **shall** mix pull-tabs prior to placing them in their final packaging container(s). The mix shall *[insure]* **ensure** that pull-tabs are separated from the original collated row position and dispersed amongst all rows in the final packaging container.

(4) Pull-tab containers *[must]* **shall** be sealed by the manufacturer with a sticker or seal of the manufacturer and shrink wrapped. This seal and shrink wrap can only be removed by an authorized member of the bingo organization whose name shall appear on the organization's worker list on file with the Missouri Gaming Commission. At no time *[can]* **shall** this seal or shrink wrap be removed by a supplier. Suppliers are prohibited from **opening**, repackaging, or bundling~~[,]~~ the pull-tabs.

(5) Any pull-tab protection shall be shipped in one **(1)** single box~~[,]~~ for all pull-tab deals containing more than one (1) box or unit container.

(8) All pull-tabs *[will]* **shall** be manufactured to ensure that, when offered for sale to the public, the pull-tab is free of security defects so that the winning or losing pull-tabs cannot be determined by any method or device prior to being opened by the player.

**(9) Pull-tabs shall be designed in a manner which prevents the pull-tabs from being resealed to eliminate the possibility of them being reused or resold after the initial opening.**

*[(9)](10)* There shall be no consideration awarded for purchasing the last pull-tab in a pull-tab deal. The prohibition against such practice, commonly referred to as a "last sale feature" shall include, but not be limited to, pull-tab games that utilize coin boards and merchandise boards.

*AUTHORITY: section 313.057, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 25, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.580 Procedure for Entry of Names to the *[Ineligible]***

*Persons List*] **List of Ineligible Persons.** The commission is amending the title, purpose, adding a new section (1), and renumbering and amending sections (1)–(3).

**PURPOSE:** *This amendment adds a definition for the List of Ineligible Persons and adds provisions for hearings and judicial review for persons determined to be ineligible.*

**PURPOSE:** *This rule defines the procedure for the entry of names of ineligible persons to the [list] List of Ineligible Persons, the criteria for which are stated in section 313.035, RSMo.*

(1) There is hereby created a **List of Ineligible Persons (List)** which consists of those persons whom the commission has determined are not eligible under the provisions of section 313.035, RSMo, for any license and shall not participate in the management, conduct, or operation of any game under the provisions of sections 313.005 to 313.080, RSMo.

[(1)](2) Upon a determination by the commission that a person comes under any one (1) or more of the criteria listed in section 313.035, RSMo, this person [shall] may be deemed a candidate for placement on the [ineligible persons list] List, and the commission [shall] may file a Notice of Ineligibility. This notice shall include the identity of the candidate, the nature and scope of the circumstances or reasons that the person should be placed on the [ineligible persons list] List, names of potential witnesses, and a recommendation as to whether the determination of ineligibility shall be permanent. The notice shall also inform the person of the availability of a hearing by the commission. A request for a hearing [must] shall be made within thirty (30) days from the date the Notice of Ineligibility was filed. If no hearing is requested, the name shall be placed on the [list] List and such listing will be considered a final order of the commission. If a hearing is requested, it shall follow the procedures as set out in 11 CSR 45-13 et seq.

[(2)](3) When a person is determined to be ineligible under any of the criteria listed in section 313.035, RSMo, that person is not eligible for any license under the provisions of sections 313.005 to 313.080, RSMo, and shall not participate in the management, conduct, or operation of any bingo game or be employed or work in any capacity for any entity required to be licensed pursuant to section 313.057, RSMo. **If a hearing is requested, the ineligibility shall continue until a final determination is made by the commission on the merits following the requested hearing. If a determination of ineligibility by the commission is examined under judicial review, then the ineligibility shall continue until the judicial review is completed and becomes final.**

[(3)](4) If the commission or a subsequent judicial review finds in favor of the [candidate or ineligible person] individual appealing the placement of his/her name on the List, then his/her name shall be removed from the [ineligible persons list] List and his/her ineligibility shall be terminated as of the date of the final action by the commission or court.

**AUTHORITY:** sections 313.004, [RSMo 1994] 313.035, and 313.065, RSMo [Supp. 1998] 2000. Original rule filed Feb. 16, 1999, effective Oct. 30, 1999. Amended: Filed June 25, 2015.

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COM-**

**MENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

### PROPOSED AMENDMENT

**11 CSR 45-30.590 Duty of Licensee to Exclude Ineligible Persons.**  
The commission is amending the purpose, and section (1) by making it two (2) sections.

**PURPOSE:** *This amendment changes the requirements for persons on the List of Ineligible Persons (List) and prohibits employment by organizations of any person on the List.*

**PURPOSE:** *This rule requires licensed organizations to exclude persons on the [list] List of Ineligible Persons (List) from engaging in the management, conduct, or operation of any bingo game. It also creates a duty on the part of the licensee to report persons they believe meet the criteria for placement on the [list] List.*

(1) No person who has been placed on the [list of ineligible persons] **List of Ineligible Persons (List)** shall be permitted to participate in the management, conduct, or operation of any bingo game, or be employed or work in any capacity for any entity required to be licensed pursuant to section 313.057, RSMo, unless and until a determination is made by the commission or a court to the contrary.

(2) It shall be the duty of [any] all licensees and their workers, members, and employees to exclude persons on the [list] List from engaging in any of the above activities when the licensee or any employee or member of the licensee knows or reasonably should know of the presence of the ineligible person. In addition, no licensee shall employ or associate with a person on the [list] List. It shall further be the duty of the holder of a license to inform the commission in writing of the names of persons the holder reasonably believes meet the criteria for placement on the [list] List.

**AUTHORITY:** sections 313.004, [RSMo 1994] 313.035, 313.052, and 313.065, RSMo [Supp. 1998] 2000. Original rule filed Feb. 16, 1999, effective Oct. 30, 1999. Amended: Filed June 25, 2015.

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**PROPOSED AMENDMENT**

**11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices.** The commission is amending sections (5), (7), (8), (11), (12), (14), (15), (24) and (25), deleting section (26), and amending and renumbering sections (27)–(29).

*PURPOSE: This amendment updates procedures for Electronic Bingo Card Monitoring Devices (EBCMDs).*

(5) EBCMDs must be acquired by licensed suppliers from a licensed manufacturer and may only be rented or leased by licensed suppliers to licensed bingo operators. Bingo operators using the EBCMD site system *[must]* **shall** procure and maintain a dedicated phone line or **secure internet connection** at the bingo hall for the commission and the licensed supplier and/or licensed manufacturer to remotely connect to the system.

(7) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(A) An EBCMD shall be downloaded with electronic bingo cards only by an approved bingo worker or authorized representative of the licensed supplier if accompanied by an approved member of the licensed organization. *[In the event the EBCMD is the type used to monitor disposable paper bingo cards, an approved bingo worker or authorized representative of the licensed supplier accompanied by an approved member of the licensed organization must enter the bingo card face number(s) into the device. The entering of bingo card face number(s) into a device shall be done only on the premises of the licensed organization and during the bingo occasion.]*

(B) All downloading into the EBCMD, *either from electronic bingo cards or disposable paper bingo cards, must* **shall** be completed prior to the drawing of the first ball for *[that]* a bingo game **in order for the player to participate in that bingo game.** If an EBCMD must be voided and reissued after the start of the game, the EBCMD *[must]* **shall** be reloaded with the same bingo face numbers or replaced with an EBCMD which was downloaded prior to the drawing of the first ball for that game.

(C) Organizations using EBCMD which require a site system to download electronic bingo cards to EBCMD *[must]* **shall** ensure that any disposable paper bingo cards used at the bingo occasion are of a different series than the electronic bingo cards, in order to avoid duplication of faces in play.

*[(D) Organizations using EBCMDs which are used in conjunction with disposable paper bingo cards must ensure that the disposable cards used with the EBCMD are of a unique color, either by screen face or by border, and not sold by the organization for use other than with an EBCMD.]*

(8) Each EBCMD shall be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers stored in the device—

*[a] upon* (A) **Upon** turning off the device after the last bingo game of the occasion has been played~~[,]~~; and

*[b] by* (B) **By** some secondary timing method.

(11) A site system shall not be able to load more than fifty-four (54) electronic bingo cards per bingo game into any one (1) EBCMD. The site system *[must]* **shall** be *[interfaced with a printer which produces]* **capable of printing** a continuous hard copy transaction log, including all sales, void, and reload transactions. *[and a]* A printout showing the device identification number, and all of the bingo cards and their face numbers loaded into the device, **shall be available to**

**the player upon request.** *[A receipting function for electronic bingo cards must be self-contained within the]* **The** site system *[and must]* **shall** record and print out *[on a copy]* **a receipt** which is given to the player~~[,]~~. **The receipt shall include** the device identification number or ticket number identifying the device, the date, number of electronic bingo cards purchased or loaded, and the total amount charged for the electronic bingo cards.

(12) A site system shall be able to provide the winning game patterns required for the entire bingo occasion on a hard copy printout. The printout *[must]* **shall** be available upon demand at the bingo occasion. *[The game operator shall provide an EBCMD bingo sheet from the site system of all electronic bingo cards sold to each player at the time of purchase.]*

(14) The licensed supplier shall serve as the initial contact for the licensed organization with respect to requests for installation, service, maintenance, or repair of EBCMD and site systems.

*[(A)]* A licensed supplier may, with commission approval, authorize or subcontract with a person or company to service, maintain, or repair EBCMD and/or site systems; however, the ultimate liability for such service, maintenance, or repair shall be solely that of the licensed supplier.

(15) The licensed supplier shall invoice the licensed organization *[the next]* **by the second** business day following usage and collect any and all payments for the rental or lease of the EBCMD used by the licensed organization, and the sale, rental, or lease of the site systems to the licensed organization. The supplier shall also invoice the licensed organization *[the next]* **by the second** business day following usage and collect any and all payments for the sale of electronic bingo cards, including the applicable taxes as described in accordance with section 313.055, RSMo.

(24) All bingo cards used in conjunction with EBCMDs *[must]* **shall** conform to the restrictions in sections 313.005(2) and 313.040(17), RSMo. *[Organizations utilizing EBCMDs must ensure that all bingo cards including electronic facsimiles used in conjunction with EBCMDs are disposable and are adequately marked to prevent reuse.]* Bingo cards of a series dedicated to or uniquely compatible with EBCMDs are permitted.

(25) Numbers appearing on a bingo card, identified by an EBCMD to be a winning bingo card, *[must]* **shall** be verified in the presence of the majority of the players or **displayed to the players** by entry into an electronic card verifier.

*[(26) Game operators must require that all disposable bingo paper used in conjunction with the game is turned in by each player to the game operator and destroyed, unless instructed otherwise by the commission. Game operators who fail to comply with this requirement are subject to discipline pursuant to section 313.052, RSMo.]*

*[(27)](26)* The site system *[must]* **shall** be capable of providing accounting and revenue reports on a daily basis. Additionally, the system must be capable of providing weekly and monthly summaries of the daily reports. The daily report *[must]* **shall** include, at a minimum, the following:

(A) Gross sales of all bingo cards sold and loaded into an EBCMD, gross sales voided and/or canceled, and net sales of all bingo cards sold;

(B) Gross number of all bingo cards sold and loaded into an EBCMD, total number of bingo cards voided and/or canceled, and net number of bingo cards sold;

(C) Adequate documentation *[must]* **shall** be maintained to explain any voids or cancellations; and

(D) The number of units sold, the number of bingo cards per



game, and the number of games played.

[(28)](27) The supplier is responsible for the collection and payment of all the taxes for electronic bingo cards sold and loaded into an EBCMD in accordance with section 313.055, RSMo and any rules and regulations promulgated thereunder. The tax computation [will] **shall** be based upon the information provided in the daily reports generated by the EBCMD site system. Copies of the reports used to compute the tax amount [must] **shall** be attached to the supplier's original sales invoices.

[(29)](28) The manufacturer, supplier, or game operator may be required to maintain and submit additional information at the request of the commission.

**AUTHORITY:** *sections 313.005 and 313.040, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed Nov. 10, 1998, effective June 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY**

### **Division 45—Missouri Gaming Commission**

#### **Chapter 30—Bingo**

#### **PROPOSED AMENDMENT**

**11 CSR 45-30.610 Wireless Technology.** The commission is amending section (1), deleting sections (2)–(8), (11) and (12), adding new sections (2) and (5), renumbering section (9), and amending and renumbering section (10).

**PURPOSE:** *This amendment adds requirements for wireless networks and requires that all changes or upgrades be done by an authorized representative on-site.*

(1) Wireless products used in conjunction with any bingo equipment as defined in [section 313.005(3), RSMo and] 11 CSR 45-30.155 must meet minimum standards as [defined] **determined** by the commission. **Pursuant to section 313.005(3), RSMo, a bingo card monitoring device shall not communicate with any other bingo card monitoring device, computer, or electronic device once provided to the patron; however, each bingo card monitoring device may receive wireless information from the system solely for the purpose of calling balls and advancing games.**

[(2) The system manufacturer shall employ a security process that complies with Federal Information Protection Standard 1.40 (FIPS 140), et seq.

(3) The operating system used shall be validated to provide

*adequate security, including domain separation and non-bypassability in accordance with security requirements recommended by the National Institute of Standards and Technology.*

(4) *The system shall use approved cryptographic algorithms for encryption/decryption, authentication, and signature generation/verification; approved key generation techniques and FIPS 140-1 validated cryptographic modules.*

(5) *All data packets shall be encrypted before transmission, regardless of which protocol is used.*

(6) *The system shall employ an Extensible Authentication Protocol (EAP) utilizing Transport Layer Security (TLS) that is Internet Engineering Task Force (IETF)-standardized and a Public Key Infrastructure (PKI) security certificate-based authentication process, whereby mutual authentication between the supplicant and the authentication server occurs before any wireless communication takes place.*

(7) *The system shall use a dual-homed intermediary server to isolate the wireless network from the wired network, each having its own firewall. Networks and components must be designed/configured with IP forwarding and broadcast mode disabled.*

(8) *The system shall employ a stand-alone firewall for port blocking. The firewall must be configured in a manner that precludes any wireless product from gaining access to the network without first being scrutinized and passing the rules contained in the firewall.]*

**(2) The licensed manufacturer shall ensure any electronic bingo card monitoring device is not capable of loading bingo faces wirelessly.**

[(9)](3) All aspects of a wireless network, including all hardware and software used therein, shall be subject to testing by the commission or an approved independent testing laboratory designated by the commission, and review and approval by the commission prior to the sale, installation, or use of the network by a licensed organization or in a licensed bingo facility and following installation, prior to any changes thereto, or at any other time the commission deems appropriate, the cost for which in all cases shall be borne by the licensed manufacturer.

[(10)](4) The licensed manufacturer shall ensure the commission is provided at least five (5) days advanced written notice of any proposed changes or upgrades to an **approved** existing wireless network by an authorized representative of the licensed manufacturer, which shall include, without limitation:

- (A) A description of the reason(s) for the proposed modification;
- (B) A list of the component(s) and program(s) or version(s) to be modified or replaced;
- (C) A description of any operating process(es) that will be affected;
- (D) The method to be used to complete the proposed modification;
- (E) The date the proposed modification will be installed and the estimated time for completion;
- (F) The name, title, and employer of the person(s) to perform the installation; and
- (G) A diagrammatic representation of the proposed hardware design change.

**(5) Any changes or upgrades to an approved existing wireless network shall be performed by an authorized representative of the licensed manufacturer. All changes or upgrades shall be conducted while on-site.**

*[(11) No device may be connected to or disconnected from a wireless network without the written approval of the commission.]*

*[(12) The commission may waive requirements contained in this section for one-way wireless communications when a lesser level of security is required.]*

**AUTHORITY:** *sections 313.005 and 313.040, RSMo Supp. 2013, and section[s] 313.004 and 313.065, RSMo 2000. Original rule filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 2—Income Maintenance**

**PROPOSED RULE**

**13 CSR 40-2.015 Authorized Representatives**

**PURPOSE:** *This rule defines the procedures for appointing authorized representatives for participants in MO HealthNet programs and the parameters of their powers and authority.*

(1) Scope. This regulation defines the procedures for the appointment of an authorized representative for participants in MO HealthNet programs and specifies the parameters of the authorized representative's powers and authority. This regulation shall only apply to MO HealthNet programs.

(2) For purposes of this rule, the following terms shall mean:

(A) "Attorney in fact" shall mean an individual or corporation appointed to act as agent of a principal in a written power of attorney that may be durable or not durable. The written power of attorney shall comply with Chapter 404, RSMo;

(B) "Authorized representative" shall mean an individual person at least eighteen (18) years of age or an organization designated by the participant to act on behalf of the participant, the participant's children, or any members of the MO HealthNet household at any time for any MO HealthNet program;

(C) "Conservator" or "Guardian" shall mean one appointed by a Missouri court under the authority of Chapter 475, RSMo or if a foreign guardian or conservator is in compliance with the authority of Chapter 475, RSMo to have the care and custody of the estate of a minor or a disabled person;

(D) "MO HealthNet programs" shall mean the MO HealthNet benefits provided to participants under the MO HealthNet programs including, but not limited to, MO HealthNet for the Aged, Blind, and Disabled (MHABD) program, MO HealthNet for Families (MHF)

program, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman's Health Services (UWHS) program. MO HealthNet programs also include presumptive eligibility for any of the above programs; and

(E) "Participant" shall mean any adult, or emancipated minor individual who has applied for, or is receiving, or has been denied benefits from the MO HealthNet programs administered by the division.

(3) The appointment of an authorized representative shall comply with the following requirements:

(A) A participant must knowingly designate the appointment of an authorized representative;

(B) A participant is permitted at the time of application and at any other time to appoint an authorized representative;

(C) The participant may at any time designate a person or organization to serve as authorized representative by a document that complies with subsection (3)(D) submitted by mail, in-person, facsimile, or electronically. The appointment of the authorized representative shall be signed by the participant. The appointment may, but is not required to be, on a form provided by the division. The participant's signature can be handwritten, stamped, electronic, telephonically recorded, or by any other method accepted by the division; and

(D) The designation of authorized representative under subsection (3)(C) shall include the following information:

1. The name of the person or organization designated to serve as the authorized representative;

2. The address of the authorized representative and the mailing address of the authorized representative (if different);

3. A phone number for the authorized representative; and

4. An attestation substantially in the following format: "In appointing my authorized representative, I understand that I will be legally bound and responsible for the actions of my appointed representative with respect to my application for or participation in the MO HealthNet program." The attestation shall also contain or be accompanied by a signed authorization compliant with the Health Insurance Portability and Accountability Act (HIPAA) for the Department of Social Services to release protected health information to the authorized representative.

(4) The division shall not release participant information to an authorized representative until the division has received a HIPAA compliant authorization and designation of authorized representative. This section shall not apply to a request for release of participant information from the participant's attorney, participant's spouse, attorney-in-fact, guardian or conservator, or court appointed public administrator.

(5) The participant cannot designate an authorized representative if the participant is incompetent as determined by a court of competent jurisdiction or the participant's cognitive function is impaired to the extent the participant lacks the ability to make a willful, knowing decision.

(6) An authorized representative designation is void to the extent its creation was induced by fraud, duress, or undue influence or at the time of creation, the participant was incompetent or impaired.

(7) The participant may designate more than one (1) individual or organization to serve as the authorized representative at any given time to assist with MO HealthNet programs.

(8) If the division receives conflicting instructions or information from more than one (1) authorized representative, the division will consult with the authorized representatives to resolve the conflict. The division may also consult directly with and request instructions from the participant or the participant's court appointed legal guardian or conservator or attorney in fact. If the participant is represented by an attorney who has filed a written entry of appearance,

the division will consult with the attorney first before consulting with the participant. The division may require the participant, the participant's guardian or conservator, attorney-in-fact and/or the authorized representatives to provide documentation, additional information and written confirmation of instructions. The division shall make the final decision resolving the conflict between the authorized representatives where consensus cannot be reached. The division shall issue written findings resolving any factual dispute and issue a written decision. If the individual/applicant is aggrieved by the decision, he/she may request administrative review pursuant to section 208.080, RSMo.

(9) The participant's designation of an authorized representative by mail, telephone, or any commonly available electronic means, other than social media, shall be accepted and treated the same as an in-person designation as long as the designation complies with subsection (3)(D).

(10) A participant shall be bound and liable for all actions taken or facts submitted by any of the participant's authorized representatives.

(11) The authorized representative shall not make a false statement or misrepresentation, willfully conceal information, or fail to report or disclose any fact or event required to be reported by any law, regulation, or rule of this state or the United States.

(12) If an organization is appointed as an authorized representative—

(A) The organization shall provide in writing the name, address, and phone number of an individual within the organization who shall serve as a contact person for the division within ten (10) days of appointment of the organization as the authorized representative, if not provided by the participant. The organization shall notify the division in writing of any change in the name and contact information for the contact person within ten (10) days of the change;

(B) An organization shall provide within ten (10) days upon request by the division written verification that an individual purporting to be a member or employee of the organization acting as an authorized representative is acting within the authority of the organization. The verification shall be provided by another member or employee of the organization and cannot be provided by the individual who is the subject of the request by the division; and

(C) As required by 42 CFR 435.923(e), the provider, staff member, or volunteer of the organization shall affirm and agree that, as a condition of serving as an authorized representative, that he or she will adhere to section 208.155, RSMo, 42 CFR part 431, subpart F, and 45 CFR 155.260(f) (relating to confidentiality of information), 42 CFR 447.10 (relating to the prohibition against reassignment of provider claims as appropriate for a facility or an organization acting on the facility's behalf), as well as other relevant state and federal laws concerning conflicts of interest and confidentiality of information.

(13) Department of Social Services employees may contact the participant to verify the appointment of an authorized representative, discuss with the participant information provided by the authorized representative, and for any other purposes and, notwithstanding the availability of the authorized representative, may communicate directly with the participant at any time the department deems appropriate.

(14) Subject to the requirements of section (3), the participant may revoke or modify the designation of an authorized representative and appoint another authorized representative to represent him or her at any time. The participant may modify the authority of the authorized representative to act at any time. To revoke or modify the authority of an authorized representative the participant shall submit a signed and dated statement revoking or modifying the designation of the authorized representative or the authority to act to the division and

the authorized representative. The revocation shall be effective on the date that it is received by the division.

(15) No authorized representative shall make willfully false statements, coerce, threaten, or harass any participant who wishes to revoke or modify the authority of the authorized representative in order to prevent or dissuade the individual from revoking or modifying the authorized representative relationship. The division will no longer accept the authorized representative as acting on behalf of the participant should the division determine this has occurred.

(16) The death of the participant shall terminate the authority of the authorized representative to act as of the day of the participant's death. However, the death of the participant shall not stay the authority of the authorized representative to assist with an application filed with the family support division prior to the participant's death until the application is approved or rejected and any hearing rights have expired. The death of the participant shall also not stay the authority of the authorized representative to assist with payment of MO HealthNet benefits owed prior to the participant's death.

(17) An appointment as an authorized representative is non-transferable and may not be delegated by the individual or the organization acting as an authorized representative to another individual or organization.

(18) A court-appointed legal guardian and/or conservator; a public administrator who has been appointed a participant's legal guardian; participant's spouse; an attorney-in-fact; and an attorney at law, authorized to practice in the state of Missouri, may represent a participant and receive information about the participant's application for a MO HealthNet program or hearing at any stage of the application process without having to submit an authorized representative form, but shall—

(A) Notify the division when the authority to represent the participant changes or terminates for any reason. The authority to act as the participant's representative shall terminate upon death of the participant;

(B) Provide the division in writing a current address, phone number, and e-mail or facsimile number. An attorney shall provide his or her Missouri bar number;

(C) A court-appointed legal guardian or public administrator who has been appointed a participant's legal guardian shall submit to the division a copy of his or her letters of appointment or a copy of the court order appointing him or her to act as the participant's legal guardian;

(D) A participant who has a court-appointed guardian and/or conservator cannot revoke or limit the authority of the guardian and/or conservator absent a court order; and

(E) An attorney-in-fact shall submit to the division the powers or authority of the attorney-in-fact to represent the participant or act as the authorized representative. An attorney-in-fact other than a durable power of attorney shall not represent the participant or serve as an authorized representative if the authority to so act is not included within the terms of his or her appointment.

*AUTHORITY: section 208.991, RSMo Supp. 2013. Original rule filed June 30, 2015.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alyson*

*Campbell, Family Support Division, PO Box 2320 Jefferson City, MO 65102-2320. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 10—Nursing Home Program**

**PROPOSED AMENDMENT**

**13 CSR 70-10.110 Nursing Facility Reimbursement Allowance.**  
The division is adding subsection (2)(P).

*PURPOSE: This amendment provides for a change in the Nursing Facility Reimbursement Allowance (NFRA) rate to thirteen dollars and forty cents (\$13.40) effective July 1, 2015.*

(2) NFRA Rates. The NFRA rates determined by the division, as set forth in subsection (1)(B) above, are as follows:

(N) Effective October 1, 2011, the NFRA will be eleven dollars and seventy cents (\$11.70) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K); *[and]*

(O) Effective July 1, 2012, the NFRA will be twelve dollars and eleven cents (\$12.11) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K) *[.]*; **and**

**(P) Effective July 1, 2015, the NFRA will be thirteen dollars and forty cents (\$13.40) per patient occupancy day. The applicable quarterly survey shall be as defined in subsection (2)(K).**

*AUTHORITY: sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.424, 198.427, 198.431, 198.433, 198.436, and 208.159, RSMo 2000, [and] sections 198.439, 208.153, and 208.201, RSMo Supp. [2012] 2013, and section 198.421, RSMo Supp. 2014. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. Amended: Filed July 1, 2015.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately \$12,127,703 for SFY 2016.*

*PRIVATE COST: This proposed amendment will result in a net cost to private entities of approximately \$7,827,874 for SFY 2016 (total increase in NFRA of \$19,187,740 less the increased reimbursement to nursing facilities due to NFRA being an allowable cost of \$11,359,866 yields a net impact of \$7,827,874).*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Department of Social Services  
**Division Title:** MO HealthNet Division  
**Chapter Title:** Nursing Home Program

<b>Rule Number and Name:</b>	13 CSR 70-10.110 Nursing Facility Reimbursement Allowance
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	Estimated cost for SFY 2016: \$12,127,703

**III. WORKSHEET**

Description	NFRA Add-On Increase	Effect on Hospice in NF	Total Impact
Estimated Paid Days: SFY 2016	8,806,098	624,258	
Increase in Per Diem	\$1.29	\$1.23	
Total Estimated Impact: SFY 2016	\$ 11,359,866	\$767,837	\$12,127,703
State Share (NFRA fund)	\$4,166,458	\$281,620	\$4,448,078
Federal Share (63.323%)	\$7,193,408	\$486,217	\$7,679,625

**IV. ASSUMPTIONS**

This proposed NFRA rate change will change the reimbursement rates for nursing facilities since the NFRA is an allowable cost for reimbursement under 13 CSR 70-10.015.

**Estimated Paid Days:****Nursing Facility:**

The estimated paid days for SFY 2016 are based on the actual Medicaid days paid for nursing facility services during SFY 2014, increased by 2% for 2015 and by an additional 2% for 2016.

**Hospice:**

The estimated paid days for SFY 2016 for hospice are based on the actual hospice days provided in nursing facilities from January 2014 through December 2014.

**NFRA Add-On Increase:**

An increase in the NFRA assessment of \$1.29 from \$12.11 to \$13.40 effective July 1, 2015 has an impact to nursing facilities under 13 CSR 70-10.015. The NFRA assessment is an allowable cost for reimbursement and is accounted for as an add-on to the per diem rate under 13 CSR 70-10.015; therefore, the cost has been included in this fiscal note.

**Effect on Hospice:**

Hospice providers are reimbursed 95% of the nursing facility per diem for hospice participants residing in a nursing facility. The total increase to the nursing facility per diem is \$1.29. The increase to hospice reimbursement rates resulting from this amendment is \$1.23 ( $\$1.29 \times 95\%$ ).

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Department of Social Services  
**Division Title:** MO HealthNet Division  
**Chapter Title:** Nursing Facility Program

<b>Rule Number and Title:</b>	13 CSR 70-10.110 Nursing Facility Reimbursement Allowance (NFRA)
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
520	Nursing Facilities	Annual estimated cost for SFY 2016: \$7,827,874

**III. WORKSHEET**

Estimated Assessment Days: SFY 2016 14,874,217

Current NFRA Rate (\$12.11)  
 Estimated Assessment Days 14,874,217  
 x Current NFRA Rate \$12.11  
 Total Estimated Assessment at Current Rate \$ 180,126,768

Proposed NFRA Rate (\$13.40)  
 Estimated Assessment Days 14,874,217  
 x Proposed NFRA Rate \$13.40  
 Total Estimated Assessment at Proposed Rate \$ 199,314,508

Total Difference  
 Estimated Impact for SFY16 \$ 19,187,740

Less: Increase in Nursing Facility Rate due to NFRA being an Allowable Cost (per 13 CSR 70-10.015)  
 (See Public Cost Fiscal Note for additional detail) (\$ 11,359,866)

Net Impact to Nursing Facilities \$ 7,827,874



#### **IV. ASSUMPTIONS**

Effective July 1, 2015 the Nursing Facility Reimbursement Allowance (NFRA) rate changes from twelve dollars and eleven cents (\$12.11) to thirteen dollars and forty cents (\$13.40) resulting in an increase of \$1.29. The number of assessment days for SFY 2016 is based on the annualized days from each facility's December 2013 CON Survey, as set forth in the current regulation. These days were multiplied by the current NFRA rate in effect of \$12.11 to determine the total assessment if the proposed amendment was not implemented. The same number of days was multiplied by the proposed NFRA rate of \$13.40 to determine the total assessment with the proposed amendment. The difference between the total assessment for the \$12.11 and \$13.40 NFRA rates is the total impact.

The nursing facility reimbursement regulation, 13 CSR 70-10.015, allows NFRA as an allowable, reimbursable cost. To account for the NFRA being an allowable cost, the current NFRA rate is included as part of the nursing facility's total reimbursement rate. With this NFRA rate increase of \$1.29, nursing facilities will be given a corresponding reimbursement rate increase of the same amount. This increased reimbursement will reduce the impact of the NFRA increase for nursing facilities by the same amount as computed in the Public Cost Fiscal Note.

After SFY 2016 these amounts (the increased NFRA collections and increased reimbursement) will become part of the core budget and continue annually until amended.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.** The division is amending subsection (3)(B).

*PURPOSE: This amendment provides for the State Fiscal Year (SFY) 2016 trend factor to be applied in determining Federal Reimbursement Allowance (FRA) funded hospital payments for SFY 2016.*

(3) Per Diem Reimbursement Rate Computation. Each hospital shall receive a MO HealthNet per diem rate based on the following computation:

(B) Trend Indices (TI). Trend indices are determined based on the four- (4-) quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill, or equivalent publication regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY). **Trend indices starting in SFY 2016 will be determined based on the Hospital Market Basket index as published in *Healthcare Cost Review* by Institute of Health Systems (IHS), or equivalent publication regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY).**

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%
- G. SFY 2000—4.0%
- H. SFY 2001—4.6%
- I. SFY 2002—4.8%
- J. SFY 2003—5.0%
- K. SFY 2004—6.2%
- L. SFY 2005—6.7%
- M. SFY 2006—5.7%
- N. SFY 2007—5.9%
- O. SFY 2008—5.5%
- P. SFY 2009—5.5%
- Q. SFY 2010—3.9%

R. SFY 2011—3.2%—The 3.2% trend shall not be applied in determining the per diem rate, Direct Medicaid payments, or uninsured payments.

- S. SFY 2012—4.0%
- T. SFY 2013—4.4%
- U. SFY 2014—3.7%
- V. SFY 2015—4.3%
- W. SFY 2016—2.5%**

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per diem rate and for SFY 1999 the OC of the June 30, 1998, rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999, rate shall be trended by 2.4%. The OC of the June 30, 2000, rate shall be trended by 1.95% for SFY 2001.

3. The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid payments computed in accordance with subsection (15)(B).

4. A facility previously enrolled for participation in the MO HealthNet Program, which either voluntarily or involuntarily termi-

nates its participation in the MO HealthNet Program and which reenters the MO HealthNet Program, will receive the same inpatient rate and outpatient rate as the previous owner/operator. Such facility will also receive the same Direct Medicaid Add-On Payment and Uninsured Add-On Payment as the previous owner/operator if the facility reenters the MO HealthNet Program during the same state fiscal year. If the facility does not reenter during the same state fiscal year, the Direct Medicaid Add-On Payment and Uninsured Add-On Payment will be determined based on the applicable base year data (i.e., fourth prior year cost report for the Direct Medicaid Payment; see 13 CSR 70-15.220 for the applicable data for the Uninsured Add-On Payment). If the facility does not have the applicable base year data, the Direct Medicaid Add-On Payment and the Uninsured Add-On Payment will be based on the most recent audited data available and will include annual trend factor adjustments from the year subsequent to the cost report period through the state fiscal year for which the payments are being determined.

*AUTHORITY: sections 208.153[,] and 208.201, RSMo Supp. 2013, and section[s] 208.152, RSMo Supp. 2014. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. Amended: Filed July 1, 2015.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately \$18.1 million.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services  
**Division Title:** Division 70 - MO HealthNet Division  
**Chapter Title:** Chapter 15 – Hospital Program

<b>Rule Number and Title:</b>	13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimate Cost of Compliance in the Aggregate
<b>Department of Social Services, MO HealthNet Division</b>	<b>SFY 2016 Impact:</b> <b>Total Cost = \$49.4 million;</b> <b>State Share = \$18.1 million</b>

**III. WORKSHEET**

**Estimated Cost for SFY 2016:**

Estimated Payments with 2.5% Trend	\$2,324,920.538
Estimated Payments without 2.5% Trend	\$2,275,512.079
Estimated Impact of 2.5% Trend	\$49,408.459
State Share Percentage	36.677%
State Share	\$18,121,540

**IV. ASSUMPTIONS**

The estimated cost is based upon the data in FRA 16-1. The base year for the SFY 2016 payments are the 2012 cost reports, which are adjusted by the applicable trends published in 13 CSR 70-15.010 and the 2.5% trend for SFY 2016, which is the subject of this proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).** The division is amending subsection (1)(A).

*PURPOSE: This amendment provides for the State Fiscal Year (SFY) 2016 trend factor to be applied to the inpatient and outpatient adjusted net revenues determined from the FRA fiscal year cost report.*

(1) Federal Reimbursement Allowance (FRA). FRA shall be assessed as described in this section.

(A) Definitions.

1. Bad debts—Amounts considered to be uncollectible from accounts and notes receivable that were created or acquired in providing services. Allowable bad debts include the costs of caring for patients who have insurance, but their insurance does not cover the particular service procedures or treatment rendered.

2. Base cost report—Desk-reviewed Medicare/Medicaid cost report. The Medicare/Medicaid Cost Report version 2552-96 (CMS 2552-96) shall be used for fiscal years ending on or after September 30, 1996. The Medicare/Medicaid Cost Report version 2552-10 (CMS 2552-10) shall be used for fiscal years beginning on and after May 1, 2010. When a hospital has more than one (1) cost report with periods ending in the base year, the cost report covering a full twelve- (12-)/- month period will be used. If none of the cost reports covers a full twelve (12) months, the cost report with the latest period will be used. If a hospital's base cost report is less than or greater than a twelve- (12-)/- month period, the data shall be adjusted, based on the number of months reflected in the base cost report, to a twelve- (12-)/- month period.

3. Charity care—Those charges written off by a hospital based on the hospital's policy to provide health care services free of charge or at a reduced charge because of the indigence or medical indigence of the patient.

4. Contractual allowances—Difference between established rates for covered services and the amount paid by third-party payers under contractual agreements. The Federal Reimbursement Allowance (FRA) is a cost to the hospital, regardless of how the FRA is remitted to the MO HealthNet Division, and shall not be included in contractual allowances for determining revenues. Any redistributions of MO HealthNet payments by private entities acting at the request of participating health care providers shall not be included in contractual allowances or determining revenues or cost of patient care.

5. Department—Department of Social Services.

6. Director—Director of the Department of Social Services.

7. Division—MO HealthNet Division, Department of Social Services.

8. Engaging in the business of providing inpatient health care—Accepting payment for inpatient services rendered.

9. Federal Reimbursement Allowance (FRA)—The fee assessed to hospitals for the privilege of engaging in the business of providing inpatient health care in Missouri. The FRA is an allowable cost to the hospital.

10. Fiscal period—Twelve- (12-)/- month reporting period determined by each hospital.

11. Gross hospital service charges—Total charges made by the hospital for inpatient and outpatient hospital services that are covered under 13 CSR 70-15.010.

12. Hospital—A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not fewer than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted pri-

marily to provide, for not fewer than twenty-four (24) hours in any week, medical or nursing care for three (3) or more nonrelated individuals. The term hospital does not include convalescent, nursing, shelter, or boarding homes as defined in Chapter 198, RSMo.

13. Hospital revenues subject to FRA assessment effective July 1, 2008—Each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues subject to the FRA assessment will be determined as follows:

A. Obtain "Gross Total Charges" from Worksheet G-2, Line 25, Column 3 from CMS 2552-96, or Worksheet G-2, Line 28, Column 3 from CMS 2552-10, of the third prior year cost report (i.e., FRA fiscal year cost report) for the hospital. Charges shall exclude revenues for physician services. Charges related to activities subject to the Missouri taxes assessed for outpatient retail pharmacies and nursing facility services shall also be excluded. "Gross Total Charges" will be reduced by the following:

(I) "Nursing Facility Charges" from Worksheet C, Part I, Line 35, Column 6 from CMS 2552-96, or Worksheet C, Part I, Line 45, Column 6 from CMS 2552-10;

(II) "Swing Bed Nursing Facility Charges" from Worksheet G-2, Line 5, Column 1 from CMS 2552-96, or Worksheet G-2, Line 6, Column 1 from CMS 2552-10;

(III) "Nursing Facility Ancillary Charges" as determined from the Department of Social Services, MO HealthNet Division, nursing home cost report. (Note: To the extent that the gross hospital charges, as specified in subparagraph (1)(A)13.A. above, include long-term care charges, the charges to be excluded through this step shall include all long-term care ancillary charges including skilled nursing facility, nursing facility, and other long-term care providers based at the hospital that are subject to the state's provider tax on nursing facility services.);

(IV) "Distinct Part Ambulatory Surgical Center Charges" from Worksheet G-2, Line 22, Column 2 from CMS 2552-96, or Worksheet G-2, Line 25, Column 2 from CMS 2552-10;

(V) "Ambulance Charges" from Worksheet C, Part I, Line 65, Column 7 from CMS 2552-96, or Worksheet C, Part I, Line 95, Column 7 from CMS 2552-10;

(VI) "Home Health Charges" from Worksheet G-2, Line 19, Column 2 from CMS 2552-96, or Worksheet G-2, Line 22, Column 2 from CMS 2552-10;

(VII) "Total Rural Health Clinic Charges" from Worksheet C, Part I, Column 7, Lines 63.50–63.59 from CMS 2552-96, or Worksheet C, Part I, Column 7, Line 88 and subsets from CMS 2552-10; and

(VIII) "Other Non-Hospital Component Charges" from Worksheet G-2, Lines 6, 8, 21, 21.02, 23, and 24 from CMS 2552-96, or Worksheet G-2, Lines 5, 7, 9, 21, 24, 26, and 27 from CMS 2552-10;

B. Obtain "Net Revenue" from Worksheet G-3, Line 3, Column 1. The state will ensure this amount is net of bad debts and other uncollectible charges by survey methodology;

C. "Adjusted Gross Total Charges" (the result of the computations in subparagraph (1)(A)13.A.) will then be further adjusted by a hospital-specific collection-to-charge ratio determined as follows:

(I) Divide "Net Revenue" by "Gross Total Charges"; and

(II) "Adjusted Gross Total Charges" will be multiplied by the result of part (1)(A)13.C.(I) to yield "Adjusted Net Revenue";

D. Obtain "Gross Inpatient Charges" from Worksheet G-2, Line 25, Column 1 from CMS 2552-96, or Worksheet G-2, Line 28, Column 1 from CMS 2552-10, of the most recent cost report that is available for a hospital;

E. Obtain "Gross Outpatient Charges" from Worksheet G-2, Line 25, Column 2 from CMS 2552-96, or Worksheet G-2, Line 28, Column 2 from CMS 2552-10, of the most recent cost report that is available for a hospital;

F. Total "Adjusted Net Revenue" will be allocated between "Net Inpatient Revenue" and "Net Outpatient Revenue" as follows:

(I) "Gross Inpatient Charges" will be divided by "Gross Total Charges";

(II) "Adjusted Net Revenue" will then be multiplied by the result to yield "Net Inpatient Revenue"; and

(III) The remainder will be allocated to "Net Outpatient Revenue"; and

G. The trend indices listed below will be applied to the apportioned inpatient adjusted net revenue and outpatient adjusted net revenue in order to inflate or trend forward the adjusted net revenues from the FRA fiscal year cost report to the current state fiscal year to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

(I) SFY 2009 = 5.50%

(II) SFY 2009 Missouri Specific Trend = 1.50%

(III) SFY 2010 = 3.90%

(IV) SFY 2010 Missouri Specific Trend = 1.50%

(V) SFY 2011 = 3.20%

(VI) SFY 2012 = 5.33%

(VII) SFY 2013 = 4.4%

(VIII) SFY 2014 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.70%

(IX) SFY 2015 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—4.30%

(X) SFY 2016 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.90%

14. Net operating revenue—Gross charges less bad debts, less charity care, and less contractual allowances times the trend indices listed in 13 CSR 70-15.010(3)(B).

15. Other operating revenues—The other operating revenue is total other revenue less government appropriations, less donations, and less income from investments times the trend indices listed in 13 CSR 70-15.010(3)(B).

*AUTHORITY: section[s] 208.201, RSMo Supp. 2013, [and] section 208.453, RSMo Supp. 2014, and section 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history please consult the Code of State Regulations. Emergency amendment filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. Amended: Filed July 1, 2015.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately \$3.5 million.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$17.2 million.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services  
**Division Title:** Division 70 - MO HealthNet Division  
**Chapter Title:** Chapter 15 - Hospital Program

<b>Rule Number and Title:</b>	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Hospitals which provide health care services in Missouri that are owned or controlled by the state, counties, cities, or hospital districts	Estimated cost for SFY 2016 \$3.5 million

**III. WORKSHEET**

	No. of Facilities	Inpatient Revenues	Outpatient Revenues	Total
Public Facilities Revenues	43	\$1,467,109,928	\$1,503,488,933	\$2,970,598,86
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment without Trend		\$87,293,041	\$89,457,592	\$176,750,63
Revenue Trend for SFY 2015		0.00%	3.90%	
Total Revenues Trended		\$1,467,109,928	\$1,562,125,001	\$3,029,234,92
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment with Trend		\$87,293,041	\$92,946,438	\$180,239,47
Impact of Trend (Assessment with trend less Assessment without trend)				\$3,488,84
Prior SFY Total Assessment using Prior Year Methodology				\$167,103,29
Increase of Total Assessment over Prior SFY				\$13,136,18

**IV. ASSUMPTIONS**

This fiscal note reflects the total assessment to be collected during SFY 2016 of approximately \$180.2 million and is an increase of approximately \$13.1 million from SFY 2015. The impact of the 3.9% trend on outpatient revenues is approximately \$3.5 million.

The fiscal note is based on establishing the FRA assessment rate at 5.95% and a trend of 3.9% on outpatient revenues effective for dates of service beginning July 1, 2015. The FRA assessment rate of 5.95% is levied upon Missouri hospitals' trended, inpatient and outpatient net adjusted revenue in accordance with the Missouri Partnership Plan.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13 - Department of Social Services  
**Division Title:** Division 70 - MO HealthNet Division  
**Chapter Title:** Chapter 15 – Hospital Program

<b>Rule Number and Title:</b>	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>103</b>	<b>Hospitals</b>	<b>Estimated cost for SFY 2016 \$17.2 million</b>

**III. WORKSHEET**

	No. of Facilities	Inpatient Revenues	Outpatient Revenues	Total
Private Facilities Revenues	103	\$7,550,050,216	\$7,407,033,892	\$14,957,084,108
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment without Trend		\$449,227,988	\$440,718,517	\$889,946,504
Revenue Trend for SFY 2015		0.00%	3.90%	
Total Revenues Trended		\$7,550,050,216	\$7,695,908,214	\$15,245,958,430
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment with Trend		\$449,227,988	\$457,906,539	\$907,134,527
Impact of Trend (Assessment with trend less Assessment without trend)				\$17,188,023
Prior SFY Total Assessment using Prior Year Methodology				\$925,401,321
Increase of Total Assessment under Prior SFY				(\$18,266,794)

**IV. ASSUMPTIONS**

This fiscal note reflects the total assessment to be collected during SFY 2016 of approximately \$907.1 million and is a decrease of approximately \$18.3 million from SFY 2015. The impact of the 3.9% trend on outpatient revenues is approximately \$17.2 million.



The fiscal note is based on establishing the FRA assessment rate at 5.95% and a trend of 3.9% on outpatient revenues effective for dates of service beginning July 1, 2015. The FRA assessment rate of 5.95% is levied upon Missouri hospitals' trended, inpatient and outpatient net adjusted revenue in accordance with the Missouri Partnership Plan.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 20—Pharmacy Program**

**PROPOSED RULE**

**13 CSR 70-20.340 National Drug Code Requirement**

*PURPOSE: This rule implements the requirement for the National Drug Code (NDC) for all medications administered in the clinic or outpatient hospital setting. The Deficit Reduction Act of 2005 (DRA) requires states to collect rebates for certain physician-administered drugs.*

(1) Effective for dates of service on or after July 1, 2015, MO HealthNet Division (MHD) will require the National Drug Code (NDC) for all medications administered in the clinic or outpatient hospital setting, to comply with federal law. MHD must collect the eleven-(11-) digit NDC on all outpatient drug claims submitted to MHD from all providers for rebate purposes in order to receive federal financial participation. Providers will be required to submit their claims with the exact NDC that appears on the product dispensed or administered to receive payment from MHD. The NDC is found on the medication's packaging and must be submitted in the five (5) digit – four (4) digit – two (2) digit format. If the NDC does not appear in the five (5) – four (4) – two (2) digit format on the packaging, zero(s) (0) may be entered in front of the section that does not have the required number of digits.

(2) All drug products produced by manufacturers that have entered into a rebate agreement with the Federal Government are reimbursable under the MHD Pharmacy Program, with the exception of Drug Efficacy Study Implementation (DESI) drugs and drugs specified in Section 13, "Benefits and Limitations," in the Pharmacy Manual. The MHD Pharmacy Manual can be found on the MHD website at: [http://manuals.momed.com/collections/collection\\_pha/print.pdf](http://manuals.momed.com/collections/collection_pha/print.pdf). A list of manufacturers that have entered into a rebate agreement with the Federal Government (along with the Labeler Code which is the first five (5) digits of the NDC number by which products may also be identified), can be found on the Centers for Medicare and Medicaid Services (CMS) website, in Drug Manufacturer Contact Information at: <http://www.medicare.gov/Medicare-CHIP-Program-Information/By-Topics/Benefits/Prescription-Drugs/Medicare-Drug-Rebate-Program.html>. Products for which the Labeler Code is not included on the list are not reimbursable under the MHD Pharmacy Program.

(3) Drug charges submitted by providers on an electronic Professional or Institutional ASC X12 837 Health Care claim transaction or manually entered on a medical or outpatient claim into MHD's billing website eMOMED ([www.emomed.com](http://www.emomed.com)), are to be billed with a valid J-Code and a valid NDC for each medication, including injections, provided to the participant. Medical or outpatient claim lines submitted with a J-Code without the corresponding NDC will be denied. For medical or outpatient claims correctly submitted with the appropriate J-Code and the corresponding NDC, the system will automatically generate a separate drug claim for the NDC to process as a pharmacy claim and will appear as a separate claim on your Remittance Advice. The corresponding line with J-Code and NDC will be dropped from the medical or outpatient claim. If an NDC is not provided, the J-Code will remain on the claim to report the denied line. If the drug being provided does not have a J-Code associated with it, the appropriate Healthcare Common Procedure Coding System (HCPCS) procedure code should be submitted with an NDC. For drugs without a valid HCPCS procedure code, revenue code 0250 "General Classification: Pharmacy" must be used with the appropriate NDC. Only drugs and items used during outpatient care in the hospital are covered. Take-home medications and supplies are not covered by MHD under the Hospital Program.

(4) A critical component to submitting claims with an NDC is to ensure that the appropriate HCPCS procedure code is billed with each NDC. To ensure accurate billing of drug charges, MHD will use the Noridian Crosswalk ([www.dmedpac.com](http://www.dmedpac.com)) to determine whether the appropriate HCPCS procedure code is billed for the submitted NDC. Claims will be denied if the NDC submitted is not valid for the HCPCS procedure code submitted.

(5) Section 1927(j)(2) of the Social Security Act calls for hospital dispensing covered outpatient drugs to bill the plan (MHD) "no more than the hospital's purchasing cost according to State Plan" as a condition of being exempt from the NDC reporting requirement. Claims from 340B health care facilities for outpatient hospital covered drugs must be submitted with an NDC and/or a valid J-Code (not a dump code) for MHD to be able to identify the drug dispensed and to verify that the amount submitted is the facility's actual acquisition cost for each item and quantity billed.

(6) All drug claims shall be routed through an automated computer system to apply edits specifically designed to ensure effective drug utilization. The Preferred Drug List (PDL) and clinical edits are designed to enhance patient care and optimize the use of program funds through therapeutically prudent use of pharmaceuticals. The edits are based on evidence-based clinical criteria and nationally recognized peer-reviewed information. This clinical information is paired with fiscal evaluation and then developed into a therapeutic class PDL recommendation. The PDL process incorporates clinical edits, including step therapies, into the MHD pharmacy program. Claims for drugs will automatically and transparently be approved for those patients who meet any of the system approval criteria. For those patients who do not meet the system approval criteria, the drugs will require a call to the MHD Drug Prior Authorization hotline at (800) 392-8030 to initiate a review and potentially authorize payment of claims. Providers may also use the CyberAccess tool to prospectively determine if a drug is a preferred agent or requires edit override, electronically initiate an edit override review, and to review a participant's MHD paid claim history.

(7) The quantity to be billed for injectables and other types of medications dispensed to MHD participants must be calculated as follows:

(A) Containers of medication in solution (for example, ampoules, bags, bottles, vials, syringes) must be billed by exact cubic centimeters or milliliters (cc or mL) dispensed, even if the quantity includes a decimal (e.g., if three (3) 0.5 mL vials are dispensed, the correct quantity to bill is 1.5 mL);

(B) Single dose syringes and single dose vials must be billed per cubic centimeters or milliliters (cc or mL), rather than per syringe or per vial;

(C) Ointments must be billed per number of grams even if the quantity includes a decimal;

(D) Eye drops must be billed per number of cubic centimeters or milliliters (cc or mL) in each bottle even if the quantity includes a decimal;

(E) Powder filled vials and syringes that require reconstitution must be billed by the number of vials;

(F) Combination products, which consist of devices and drugs, designed to be used together, are to be billed as a kit. Quantity will be the number of kits used;

(G) The product Herceptin, by Genentech, must be billed by milligram rather than by vial due to the stability of the drug; and

(H) Non-Vaccines for Children (VFC) Immunizations and vaccines must be billed by the cubic centimeters or milliliters (cc or mL) dispensed, rather than per dose.

(8) Contrast materials and radiopharmaceuticals used in radiologic procedures may be billed separately using the appropriate HCPCS code and/or the NDC representing the materials or agent used in the

procedure. If available, MHD would prefer the NDC for reporting purposes. If the material or agent used does not have an NDC, the appropriate HCPCS code alone is acceptable. All HCPCS codes for contrast materials and radiopharmaceuticals are manually priced and must be billed with the manufacturer's invoice of cost attached to the claim.

*AUTHORITY: sections 208.153 and 208.201, RSMo Supp. 2013. Emergency rule filed June 19, 2015, effective July 1, 2015, expires Dec. 28, 2015. Original rule filed July 1, 2015.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 92—Adult Day Health Care Program**

**PROPOSED RESCISSION**

**13 CSR 70-92.010 Adult Day Health Care Program.** This rule established the regulatory basis for administration of a program of adult day care/treatment as mandated by House Bill 1086, 81st General Assembly.

*PURPOSE: This rule is being rescinded as adult day health care services will no longer be covered under the Missouri Medicaid State Plan. Eligible participants will be transitioned into the new Adult Day Care 1915 (c) Waiver or the adult day care service under the Aged and Disabled Waiver depending on the participant's age.*

*AUTHORITY: sections 208.153 and 208.201, RSMo Supp. 2007 and sections 208.159 and 208.168, RSMo 2000. This rule was previously filed as 13 CSR 40-81.126. Original rule filed May 13, 1983, effective Aug. 11, 1983. Amended: Filed June 3, 1993, effective Dec. 9, 1993. Amended: Filed April 4, 1994, effective Oct. 30, 1994. Amended: Filed Dec. 14, 2007, effective July 30, 2008. Rescinded: Filed July 1, 2015.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand delivered, com-*

*ments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**PROPOSED AMENDMENT**

**20 CSR 2245-1.010 General Organization.** The commission is proposing to amend section (9).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(9) For purposes of this section, the *Uniform Standards of Professional Appraisal Practice (USPAP)*, [2014] 2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments to USPAP.

*AUTHORITY: section[s] 339.507, RSMo Supp. 2014, [and] section 339.509, RSMo Supp. 2013, and section 339.544, RSMo 2000. This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration.** The commission is proposing to amend subsection (6)(B).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

## (6) Training.

(B) The supervising appraiser(s) shall be responsible for the training, guidance, and direct supervision of the registrant by—

1. Accepting responsibility for the appraisal report by signing and certifying that the report complies with the *Uniform Standards of Professional Appraisal Practice* (USPAP), [2014] 2016 Edition. The USPAP, [2014] 2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP;

2. Reviewing and signing the appraisal report(s) for which the registrant has provided appraisal services; and

3. Personally inspecting each appraised property with the registrant until the supervising appraiser determines the registrant trainee is competent, in accordance with the competency rule of USPAP. If applying for a residential certification, the supervising appraiser shall personally inspect fifty (50) properties with the registrant, unless otherwise waived by the commission for good cause. If applying for certified general, the supervising appraiser shall personally inspect twenty (20) nonresidential properties with the registrant, unless otherwise waived by the commission for good cause.

**AUTHORITY:** section 339.509(8), *RSMo Supp.* 2013. Original rule filed Nov. 21, 2006, effective July 30, 2007. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 30, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2245—Real Estate Appraisers Chapter 3—Applications for Certification and Licensure**

#### **PROPOSED AMENDMENT**

**20 CSR 2245-3.010 Applications for Certification and Licensure.** The commission is proposing to amend paragraph (5)(B)1.

**PURPOSE:** This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice* (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, *RSMo*.

## (5) Prerequisite for Certification.

## (B) State-Certified Residential Appraiser.

1. The prerequisite for certification as a state-certified residential appraiser shall be two thousand five hundred (2,500) hours of appraisal experience obtained continuously over a period of not less than twenty-four (24) months under the supervision of a state-certified real estate appraiser. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500)

hours of appraisal experience, and there is no limitation on the number of hours which may be awarded in any year. Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of appraisal reports which the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any function of the real estate appraisal report. Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be *Uniform Standards of Professional Appraisal Practice* (USPAP) compliant. The USPAP, [2014] 2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. Acceptable appraisal experience as defined by the Appraiser Qualifications Board (AQB) includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- A. Fee and staff appraisal;
- B. *Ad valorem* tax appraisal;
- C. Technical review appraisal;
- D. Appraisal analysis;
- E. Real estate consulting;
- F. Highest and best use analysis;
- G. Feasibility analysis/study; and
- H. Condemnation appraisal.

**AUTHORITY:** sections 339.509, 339.515, and 339.517, *RSMo Supp.* 2013. This rule originally filed as 4 CSR 245-3.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 30, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2245—Real Estate Appraisers Chapter 6—Educational Requirements**

#### **PROPOSED AMENDMENT**

**20 CSR 2245-6.040 Case Study Courses.** The commission is proposing to amend subsection (1)(B).

**PURPOSE:** This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice* (USPAP) that real estate

*appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(1) General.

(B) Case study courses shall be at least thirty (30) hours of instruction. For each case study course, experience credit hours may not exceed three (3) times the education credit granted, and in no event shall the experience credit granted for a single course exceed ninety (90) hours. An applicant for licensure or certification may receive thirty (30) hours of pre-licensure education credit upon passage of an examination approved by the Appraiser Qualifications Board (AQB) course approval program or by an alternate method established by the AQB. A licensee may receive twenty-eight (28) hours of continuing education credit for a case study course as allowed pursuant to 20 CSR 2245-8.010. An applicant for licensure or certification will receive the experience credit upon completing one (1) or more *Uniform Standards of Professional Appraisal Practice* (USPAP) compliant appraisal reports for the course. The USPAP, [2014] 2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. The amount of education and experience credit available from a case study course will be determined at the time it is approved by the AQB course approval program or by an alternate method established by the AQB.

*AUTHORITY: section 339.509(3) and (4), RSMo Supp. 2013. Original rule filed Nov. 21, 2006, effective July 30, 2007. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.010 Requirements.** The commission is proposing to amend section (11).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(11) All licensees of the state of Missouri shall complete, for continuing education credit, the seven- (7-) hour national *Uniform Standards of Professional Appraisal Practice* (USPAP) update course or its equivalent during each renewal cycle. The USPAP, [2014]

2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP.

*AUTHORITY: section 339.509, RSMo Supp. 2013, and section 339.530, RSMo 2000. This rule originally filed as 4 CSR 245-8.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.030 Instructor Approval.** The commission is proposing to amend section (4).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(4) All instructors of the national *Uniform Standards of Professional Appraisal Practice* (USPAP) course, the national USPAP update course, or their equivalents shall be approved through the instructor certification program of the Appraisal Qualifications Board (AQB) or by an alternate method established by the AQB. The USPAP, [2014] 2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. At least one (1) instructor of the national USPAP course and the national USPAP update course shall be a state-certified appraiser and shall be approved through the AQB instructor certification program.

*AUTHORITY: section 339.509, RSMo Supp. 2013, and section 339.530, RSMo 2000. This rule originally filed as 4 CSR 245-8.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.010 Procedure to Obtain a Corporate Security  
Advisor License is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 232-233). No changes have been made in the text of the proposed rule, so it is not reprinted here. However, there is a revised private cost for this proposed rule and that fiscal note is attached to this rule. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Public Safety received seven (7) comments on the proposed rule.

**COMMENT #1:** Theodis Brown supports the licensing of corporate security advisors at the state level. He believes he should be exempt from the training requirements due to his years of police officer experience, his race, and because he is a small business owner.

**RESPONSE:** We disagree with Mr. Brown's comment. No changes have been made to the rule as a result of this comment.

**COMMENT #2:** Mr. David Barrett commented that the requirement

of US Citizenship for private employment seems questionable under the U.S. Supreme Court decision *Nyquist vs. Mauclet*, 432 U.S. 1 (1977).

**RESPONSE:** We disagree. There is no requirement for an individual to obtain licensure as a corporate security advisor for private employment. This licensure and corporate security advisor designation is voluntary. No changes have been made to the rule as a result of this comment.

**COMMENT #3:** Mr. David Barrett commented the term, "credentialed federal special agent" is not defined, and no minimum training requirement is set out.

**RESPONSE:** Working with multiple existing corporate security officials to draft these rules, some of whom were former credentialed federal special agents, they indicated this term is commonly used by federal law enforcement officials and it refers to any federal special agent, from any federal agency, with the power of arrest. No changes have been made to the rule as a result of this comment.

**COMMENT #4:** Mr. David Barrett commented that there is no rational explanation of why a corporation with seventy-five (75) or one hundred (100) or one hundred twenty-five (125) employees is of insufficient size to have a corporate security advisor.

**RESPONSE:** Working with multiple existing corporate security officials to draft these rules, this language was taken from 17 CSR 20-5.035, which has been in place since at least 1993. No changes have been made to the rule as a result of this comment.

**COMMENT #5:** Mr. David Barrett commented that the naming of the employee as an additional insured when the corporation is liable for his or her acts seems to be unnecessary and certainly wasn't envisioned by the legislature. In addition, he stated there is undoubtedly a private cost to this requirement.

**RESPONSE:** Working with multiple existing corporate security officials to draft these rules, this language was taken from 17 CSR 20-5.035, which has been in place since at least 1993. There is no mandate for a corporation to employ Corporate Security Advisors and there is no mandate for an individual to become licensed as a Corporate Security Advisor to work security for any corporation. This process is completely voluntary for individuals wishing to obtain the designation of Corporate Security Advisor. Furthermore, it is our understanding that all of the corporations that had previously employed Corporate Security Advisors under the previous authority of 17 CSR 20-5.035 are already insured, and many of these corporations are self-insured. No changes have been made to the rule as a result of this comment.

**COMMENT #6:** Mr. David Barrett commented that the private entity cost for the completing of a forty- (40-) hour corporate security advisor training program would be in excess of five hundred dollars (\$500).

**RESPONSE AND EXPLANATION OF CHANGE:** In speaking with a representative of the St. Louis County and St. Louis City - Office of Private Security, which was the office that was previously responsible for delivering the forty- (40-) hour corporate security advisor training program pursuant to 17 CSR 20-5.035, we were informed that the total cost for an individual to become a corporate security advisor through their office was four hundred, sixty-eight dollars and eighty cents (\$468.80). That cost included a forty-four dollar and eighty cent (\$44.80) fingerprint fee, a two hundred thirty-five dollar (\$235.00) training fee, and a one hundred eighty-nine dollar (\$189.00) application fee. The department will not be charging an application fee for corporate security advisor applicants, and as per the Missouri State Highway Patrol, the fingerprint fee has dropped to forty-three dollars and five cents (\$43.05), so the estimated fingerprint fee and training costs will be two hundred seventy-eight dollars and five cents

(\$278.05) per applicant. Prior to the law change, there were one hundred forty-two (142) corporate security advisors licensed through the St. Louis County and St. Louis City - Office of Private Security, and they estimated that twenty (20) new corporate security advisors were licensed every year because of attrition. The aggregate private cost for these one hundred forty-two (142) corporate security advisors to complete the forty- (40-) hour training course and be fingerprinted is estimated to be thirty-nine thousand, four hundred eighty-three dollars, and ten cents (\$39,483.10); and the continued annual private cost to train and fingerprint these twenty (20) corporate security advisors will be five thousand, five hundred sixty-one dollars (\$5,561). The department has revised the private cost estimate for this rule and we have attached a private cost fiscal note to accurately reflect the aggregate training cost for corporate security advisors.

COMMENT #7: Mr. David Barrett commented that fiscal resources (salary and expenses) will be expended as a result of these rules.

RESPONSE: The additional fiscal resources (salary and expenses) will be expended as a result of 2014 Senate Bills 656 and 852, not these proposed rules. No changes have been made to the rule as a result of this comment.

*REVISED PRIVATE COST: The aggregate private cost for these one hundred forty-two (142) corporate security advisors to complete the forty- (40-) hour training course and be fingerprinted is estimated to be thirty-nine thousand four hundred eighty-three dollars and ten cents (\$39,483.10) and the continued annual private cost to train and fingerprint these twenty (20) corporate security advisors will be five thousand five hundred sixty-one dollars (\$5,561), versus the less than five hundred dollars (\$500), which was submitted in the original estimate.*



**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: DEPARTMENT OF PUBLIC SAFETY  
Division Title: Peace Officer Standards and Training Program  
Chapter Title: Corporate Security Advisor**

<b>Rule Number and Title:</b>	<b>11 CSR 75-18.010 Procedure to Obtain a Corporate Security Advisor License</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>142 initial Corporate Security Advisor Applicants</b>	<b>All Missouri corporations with a minimum of 150 full-time personnel wishing to employ Corporate Security Advisors</b>	<b>Initial training and fingerprint background cost for 142 Corporate Security Advisors will be \$39,483.10.</b>
<b>20 Corporate Security Advisors added per calendar year because of attrition.</b>	<b>All Missouri corporations with a minimum of 150 full-time personnel wishing to employ Corporate Security Advisors</b>	<b>Annual training and fingerprint background cost for 20 Corporate Security Advisors will be \$5,561.</b>

**III. WORKSHEET**

The initial private cost of training and conducting fingerprint background checks of one hundred forty-two (142) corporate security advisors is estimated to be thirty-nine thousand, four hundred eighty-three dollars, and ten cents (\$39,483.10); and the continued annual private cost to train and conduct fingerprint background checks on these twenty (20) new corporate security advisors will be five thousand, five hundred sixty-one dollars (\$5,561).

**IV. ASSUMPTIONS**

In speaking with a representative of the St. Louis County and St. Louis City - Office of Private Security, which was the office that was previously responsible for delivering the forty (40) hour corporate security advisor training program pursuant

to 17 CSR 20-5.035, we were informed that the total cost for an individual to become a corporate security advisor through their office was four hundred, sixty-eight dollars and eighty cents (\$468.80). That cost included a forty-four dollar and eighty cent (\$44.80) fingerprint fee, a two hundred thirty-five dollar (\$235.00) training fee, and a one hundred eighty-nine dollar (\$189.00) application fee. The department will not be charging an application fee for corporate security advisor applicants, and as per the Missouri State Highway Patrol, the fingerprint fee has dropped to forty-three dollars and five cents (\$43.05), so the estimated fingerprint fee and training costs will be two hundred seventy-eight dollars and five cents (\$278.05) per applicant. Prior to the law change, there were one hundred forty-two (142) corporate security advisors licensed through the St. Louis County and St. Louis City - Office of Private Security, and they estimated that twenty (20) new corporate security advisors were licensed every year because of attrition. The aggregate private cost for these one hundred forty-two (142) corporate security advisors to complete the forty (40) hour training course and be fingerprinted is estimated to be thirty-nine thousand, four hundred eighty-three dollars, and ten cents (\$39,483.10); and the continued annual private cost to train and fingerprint these twenty (20) corporate security advisors will be five thousand, five hundred sixty-one dollars (\$5,561). The department is revising the private cost estimate for this rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.020 Minimum Training Requirements is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 233-234). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Public Safety received one (1) comment on the proposed rule.

**COMMENT:** Mr. David Barrett commented that the provision for recall of a license should not be part of the minimum training requirements.

**RESPONSE:** We disagree. We don't see any concern with the ability to recall a license being listed in this section of the rule. No changes have been made to the rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.030 Continuing Education Requirements  
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 234). No changes have been made in the text of the proposed rule, so it is not reprinted here. However, there is a revised private cost for this proposed rule and that fiscal note is attached to this rule. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Public Safety received one (1) comment on the proposed rule.

**COMMENT:** Mr. David Barrett commented that the private entity cost for individual corporate security advisors to complete forty-eight (48) hours of continuing education in a three- (3-) year reporting period would be in excess of five hundred dollars (\$500).

**RESPONSE AND EXPLANATION OF CHANGE:** In speaking with a representative of the St. Louis County and St. Louis City - Office of Private Security, which was the office responsible for licensing corporate security advisors prior to the law change, we learned there were one hundred forty-two (142) corporate security advisors licensed through the St. Louis County and St. Louis City - Office of Private Security, and they estimated that twenty (20) new corporate security advisors were licensed every year because of attrition. Even though there are multiple opportunities for no or low cost continuing education training, it is not practical to think that all cor-

porate security advisors will obtain continuing education through these no or low cost methods. Therefore, the department elected to provide a more practical evaluation of the costs associated with continuing education training for corporate security advisors. In speaking with representatives of the Missouri Sheriffs' Association Training Academy, which offers both computer-based continuing education training and live continuing education training at twelve (12) separate locations throughout Missouri, we learned that they provide continuing education training at a cost of twenty dollars (\$20) per credit hour, per student. Therefore, the estimated cost of one hundred forty-two (142) corporate security advisors to obtain forty-eight (48) hours of continuing education every three (3) years will be one hundred thirty-six thousand, three hundred twenty dollars (\$136,320), or approximately forty-five thousand, four hundred forty dollars (\$45,440) per calendar year. The department has revised the private cost estimate for this rule and we have attached a private cost fiscal note to accurately reflect the aggregate training cost for corporate security advisors.

**REVISED PRIVATE COST:** *The aggregate private cost for these one hundred forty-two (142) corporate security advisors to complete forty-eight (48) hours of continuing education training every three (3) years will be one hundred thirty-six thousand three hundred twenty dollars (\$136,320), or approximately forty-five thousand four hundred forty dollars (\$45,440) per calendar year, versus the less than five hundred dollars (\$500), which was submitted in the original estimate.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: DEPARTMENT OF PUBLIC SAFETY  
Division Title: Peace Officer Standards and Training Program  
Chapter Title: Corporate Security Advisor**

<b>Rule Number and Title:</b>	<b>11 CSR 75-18.030 Continuing Education Requirements</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>142 Corporate Security Advisor Applicants</b>	<b>All Missouri corporations with a minimum of 150 full-time personnel wishing to employ Corporate Security Advisors</b>	<b>The cost for 142 Corporate Security Advisors to obtain 48 hours of continuing education training every three years will be \$136,320, or approximately \$45,440 per calendar year.</b>

**III. WORKSHEET**

The estimated cost of one hundred forty-two (142) corporate security advisors to obtain forty-eight (48) hours of continuing education every three years will be one hundred thirty-six thousand, three hundred twenty (\$136,320) dollars, or approximately forty-five thousand, four hundred forty dollars (\$45,440) per calendar year.

**IV. ASSUMPTIONS**

In speaking with a representative of the St. Louis County and St. Louis City - Office of Private Security, which was the office responsible for licensing corporate security advisors prior to the law change, we learned there were one hundred forty-two (142) corporate security advisors licensed through the St. Louis County and St. Louis City - Office of Private Security, and they estimated that twenty (20) new corporate

security advisors were licensed every year because of attrition. In speaking with representatives of the Missouri Sheriffs' Association Training Academy, which offers both computer-based continuing education training and live continuing education training at twelve (12) separate locations throughout Missouri, we learned that they provide continuing education training at a cost of twenty dollars (\$20) per credit hour, per student. Therefore, the estimated cost of one hundred forty-two (142) corporate security advisors to obtain forty-eight (48) hours of continuing education every three (3) years will be one hundred thirty-six thousand, three hundred twenty dollars (\$136,320), or approximately forty-five thousand, four hundred forty dollars (\$45,440) per calendar year.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.040 Change of Employment Status is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 234-235). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Public Safety received one (1) comment on the proposed rule.

COMMENT: Mr. David Barrett commented that the private entity cost for individual corporate security advisors to report a change of employment status to the department and to be re-fingerprinted if rehired as a corporate security advisor will exceed five hundred dollars (\$500).

RESPONSE: We disagree. The report of a change of employment can be submitted electronically to the department and the cost of being re-fingerprinted is forty-four dollars and eighty cents (\$44.80). In speaking with multiple existing corporate security officials, it is our understanding that once hired these corporate security personnel rarely transfer from one corporation to another. No changes have been made to the rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.050 Inactivation and Expiration of Corporate Security Advisor Licenses is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 235). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.060 Cause to Discipline Corporate Security Advisor Licensee is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 235). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Public Safety received three (3) comments on the proposed rule.

COMMENT #1: Mr. David Barrett commented that unlawful drugs are not defined – some controlled substances are unlawful unless prescribed but not others.

RESPONSE: It is clear than an applicant would not be subject to discipline for testing positive for an unlawful drug if they can show that they were lawfully prescribed a drug that can be lawfully dispensed in Missouri. No changes have been made to the rule as a result of this comment.

COMMENT #2: Mr. David Barrett commented that the determination of the commission of a criminal offense is entrusted to the judiciary upon prosecution by specific public officials under constitutional safeguards, not an administrative agency.

RESPONSE: This language mirrors section 590.080.1(2), RSMo, which allows for the discipline of a peace officer licensee for committing criminal offenses, whether or not a criminal charge has been filed. We are not aware of any successful challenge to this statutory authority. No changes have been made to the rule as a result of this comment.

COMMENT #3: Mr. David Barrett commented that acts involving moral turpitude are, by definition, crimes.

RESPONSE: We disagree. This language, in part, mirrors section 590.080.1(3), RSMo, which allows for the discipline of a peace officer licensee for committing acts of moral turpitude, a violation separate of a criminal offense. No changes have been made to the rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 18—Corporate Security Advisor**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 590.750, RSMo Supp. 2014, the director adopts a rule as follows:

**11 CSR 75-18.070 Cause to Deny Corporate Security Advisor License is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 236). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Public Safety received one (1) comment on the proposed rule.

COMMENT: Mr. David Barrett commented that a regulation cannot strip the Administrative Hearing Commission of its power to review denial of a license – a statutory grant of that authority is required.

RESPONSE: This language mirrors section 590.100.3, RSMo, which allows the Administrative Hearing Commission to determine if the director has grounds for denial of a peace officer license applicant, while not considering the relative severity of the offense or any rehabilitation of the applicant. No changes have been made to the rule as a result of this comment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the MO HealthNet Division under section 208.152, RSMo Supp. 2014, sections 208.153 and 208.201, RSMo Supp. 2013, and section 208.158, RSMo 2000, the division amends a rule as follows:

13 CSR 70-15.220 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2015 (40 MoReg 176-186). The sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Social Services, MO HealthNet Division (MHD) received multiple comments from two (2) interested parties on the proposed amendment.

**COMMENT #1:** One (1) comment was received from Truman Medical Centers (TMC). TMC noted that while they do not oppose the proposed rule, they have issues with the funding of the DSH payments because TMC uses Intergovernmental Transfer (IGT) for the non-federal share of their DSH payments while other hospitals' DSH payments are funded by Federal Reimbursement Allowance funds. TMC feels that a more equitable use of the state share of the final DSH recoupments that are not redistributed to other hospitals would be to use such recoupments for TMC's portion of the DSH audit liability. **RESPONSE:** The MHD appreciates this comment, but does not believe this comment warrants a change to the regulation. The funding issues presented by TMC are not addressed in the reimbursement regulation; therefore, no changes have been made to the regulation as a result of this comment.

**COMMENT #2:** The other comments were received from the Missouri Hospital Association (MHA) and will each be addressed and responded to separately. In the first comment, MHA recommended that since subparagraph (2)(C)3.A. refers to the "trend factor(s) listed in 13 CSR 70-15.010" that such reference should include the (3)(B) reference from 13 CSR 70-15.010 for clarification purposes. **RESPONSE AND EXPLANATION OF CHANGE:** The MO HealthNet Division has removed subparagraph (2)(C)3.A. from the regulation; therefore, clarification is no longer necessary. The reason for removing this subparagraph is explained under Comment #3.

**COMMENT #3:** MHA commented that it is not appropriate to apply an industry-average trend based on FFS payments to Medicaid MCO payments because each hospital negotiates its payment rate with each managed care plan. MHA additionally noted that fluctuations in outpatient FFS payments from year-to-year vary significantly by hospital. Therefore, MHA recommends that subparagraph (2)(C)3.B. be changed to remove the application of the trends to the Medicaid MCO payments. **RESPONSE AND EXPLANATION OF CHANGE:** Since MHA has expressed concerns about the trends in Comment #3 and has also commented (Comment #6) that an exception process is needed related to the trends, MHD is removing all trend references from the proposed regulation and will work with the hospital industry to review the trends and the exception process further. Upon further analysis, MHD will file another proposed amendment to the regulation for the hospital industry to be able to review and comment on.

**COMMENT #4:** MHD recommended clarification as to whether "the division's MMIS data for the second, third, and fourth prior

years" is based on cost report year, calendar year, or state fiscal year **RESPONSE AND EXPLANATION OF CHANGE:** The MO HealthNet Division has removed subparagraph (2)(C)3.B. from the regulation; therefore, clarification is no longer necessary.

**COMMENT #5:** MHA recommended that in parts (3)(A)1.A.(IV) and (3)(A)1.B.(III) and subparagraphs (4)(B)1.D. and (4)(B)2.B. the word "and" following the semicolon should be removed as the word is not necessary in either referenced section. **RESPONSE AND EXPLANATION OF CHANGE:** The MO HealthNet Division has amended parts (3)(A)1.A.(IV) and (3)(A)1.B.(III) and subparagraphs (4)(B)1.D. and (4)(B)2.B. to remove one word from each section.

**COMMENT #6:** MHA comments that in order to ensure the hospital-specific projected UCC considers significant changes in costs and/or payments, they recommend that an exceptions process be added to section (4). MHA further noted that providing for an exception to the trend factor(s) is consistent with the goal of determining a reasonable estimate of projected UCC. **RESPONSE AND EXPLANATION OF CHANGE:** As indicated in the response to Comment #3, since MHA has expressed concerns about the trends and has also commented that an exception process is needed related to the trends, MHD is removing all trend references from the proposed regulation and will work with the hospital industry to review the trends and the exception process further. Upon further analysis, MHD will file another proposed amendment to the regulation for the hospital industry to be able to review and comment on. Also, based on these comments, MHD will be changing the effective date throughout the regulation to SFY 2017 for the basis of the interim DSH payments to be the DSH survey collected by the independent DSH auditor.

**COMMENT #7:** MHA recommended that clarification be added to paragraph (6)(B)4. regarding the priority of the usage of undistributed Disproportionate Share Hospital (DSH) funds as the term "and/or" provides less clarity regarding the priority for the use of such funds. **RESPONSE:** The MO HealthNet Division appreciates this comment, but does not believe this comment warrants a change to the regulation.

**13 CSR 70-15.220 Disproportionate Share Hospital Payments**

**(2) Definitions.**

(C) Estimated Medicaid net cost. Estimated Medicaid net cost is the cost of providing inpatient (IP) and outpatient (OP) hospital services for all Medicaid eligible individuals including dual eligible and managed care participants less payments the hospital received for claims. The estimated Medicaid net cost is determined by using Medicare cost reporting methodologies described in this rule and is calculated using data reported on the state DSH survey. Depending on the hospital's response to questions 14, 15, and 16 of the state DSH survey, versions 1, 2, and 3, the source of the Medicaid out-of-state net cost, Medicaid organ acquisition net cost, and Medicaid/Medicare crossover net cost will either be—the hospital's estimated data, an amount estimated by MHD based on the most recent annual independent DSH audit trended to the SFY the DSH payments relate to, or was determined by the hospital to be insignificant or zero.

1. The estimated Medicaid net cost determined from the state DSH surveys prior to SFY 2017 is the sum of the following estimated data from the "Settlement Calculation" tab:

- A. In-state Medicaid inpatient net cost;
- B. In-state Medicaid outpatient net cost;
- C. Out-of-state Medicaid inpatient net cost;
- D. Out-of-state Medicaid outpatient net cost;
- E. Medicaid organ acquisition net cost; and
- F. Medicaid/Medicare crossover net cost.

2. Beginning with SFY 2017 interim DSH payments, the estimated Medicaid net cost is determined from the state DSH survey using the "Report Summary" tab and is calculated as follows:

A. Total Cost of Care for Medicaid IP/OP Services;

B. Less Regular IP/OP Medicaid FFS Rate Payments (excluding any other Medicaid payments as defined in subsection (2)(S)); and

C. Less IP/OP Medicaid MCO Payments.

(D) Estimated uninsured net cost. Estimated uninsured net cost is the cost of providing inpatient and outpatient hospital services to individuals without health insurance or other third party coverage for the hospital services they receive during the year less uninsured payments received on a cash basis for the applicable Medicaid state plan year. The costs are to be calculated using Medicare cost report costing methodologies described in this rule and should not include costs for services that were denied for any reason.

1. The estimated uninsured net cost determined from the state DSH survey prior to SFY 2017 is calculated as the sum of the following:

A. Uninsured inpatient net cost; and

B. Uninsured outpatient net cost.

2. Beginning with SFY 2017 interim DSH payments, the estimated uninsured net cost determined from the state DSH survey using the "Report Summary" tab is the Total IP/OP Uninsured Cost of Care less Total IP/OP Indigent Care/Self-Pay Revenues.

(E) Estimated uninsured uncompensated care cost (UCC).

1. The estimated uninsured uncompensated care cost from the state DSH survey prior to SFY 2017 is the estimated uninsured net cost less Section 1011 payments.

2. Beginning with SFY 2017 interim DSH payments, the estimated uninsured uncompensated care cost from the state DSH survey using the "Report Summary" tab is the Estimated Uninsured Net Cost less the Total Applicable Section 1011 Payments.

(W) State DSH survey. The state DSH survey was designed to reflect the standards of calculating uncompensated care cost established by the federal DSH rules in determining hospital-specific DSH limits. The DSH survey is also similar to, or the same as, the DSH survey that is utilized by the independent auditor during the annual independent DSH audit performed in accordance with the federally-mandated DSH audit rules. The blank state DSH survey is referred to as the state DSH survey template. The following state DSH survey templates and instructions are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. This rule does not incorporate any subsequent amendments or additions.

1. Version 1 (9/10), also referred to as the 2011 state DSH survey, was used to calculate the SFY 2011 DSH payment adjustments set forth in section (3) and the SFY 2012 interim DSH payments set forth in section (4).

2. Version 2 (9/11) or Version 3 (2/12). The hospital may elect to complete either Version 2 (9/11) or Version 3 (2/12) on which its SFY 2013 interim DSH payments will be calculated. The survey shall be referred to as the SFY to which payments will relate. For example, the survey used to determine interim DSH payments for SFY 2013 will be referred to as the 2013 state DSH survey.

3. Version 3 (2/12) will be used to calculate interim DSH payments beginning with SFY 2014 as set forth in section (4). The survey shall be referred to as the SFY to which payments will relate.

4. Version 4, designated as Myers and Stauffer LC, DSH Version 7.10, will be used to calculate interim DSH payments beginning with SFY 2017 as set forth in section (4). The state DSH survey shall be the most recent DSH survey collected during the independent DSH audit of the fourth prior SFY (i.e., the most recent survey collected by the independent DSH auditor for the SFY 2013 independent DSH audit will also be used to calculate the interim DSH payment for SFY 2017). If Myers and Stauffer LC, DSH Version 7.10, is superseded by an alternate state DSH survey reporting tool, that

tool must be used for the applicable SFY. The survey shall be referred to as the SFY to which payments will relate.

(3) DSH Payment Adjustments.

(A) Beginning in Medicaid state plan year 2011, DSH payments made to hospitals will be revised based on the results of a 2011 state DSH survey. The revisions based on the 2011 state DSH survey will ensure state fiscal year (SFY) 2011 DSH payments are eligible for FFP through compliance with the federal DSH rules. These revisions are to serve as interim adjustments until the federally-mandated annual independent DSH audits are complete. Annual independent DSH audits are finalized three (3) years following the SFY year-end reflected in the audit. For example, the SFY 2011 DSH audit will be finalized in 2014. The interim adjustments shall be determined as follows:

1. 2011 estimated hospital-specific DSH limits were determined based upon the state's calculations using data provided in the 2011 state DSH survey, SFY 2011 other Medicaid payments maintained by MHD, and data provided in the final 2007 independent DSH audit, if applicable. DSH payments will be limited to the hospital's estimated hospital-specific DSH limit. The state's calculations will be based on 2011 state DSH surveys received by MO HealthNet as of May 31, 2011. However, a corrected survey may be accepted if it is supported by documentation and the state determines the correction is appropriate and has a material impact on the survey results. The state's calculations are set forth below—

A. The 2011 estimated hospital-specific DSH limit is calculated as follows:

(I) 2011 estimated Medicaid net cost from the 2011 state DSH survey;

(II) Less actual SFY 2011 other Medicaid payments;

(III) Equals 2011 estimated Medicaid uncompensated care cost;

(IV) Plus 2011 estimated uninsured uncompensated care cost from the 2011 state DSH survey;

(V) Equals 2011 estimated hospital-specific DSH limit;

B. The total 2011 estimated longfall/shortfall for each hospital is calculated as follows:

(I) 2011 estimated hospital-specific DSH limit;

(II) Less DSH payments paid by MHD during SFY 2011;

(III) Less out-of-state DSH payments received by the hospital during SFY 2011;

(IV) Equals total 2011 estimated longfall/shortfall;

C. The total 2011 estimated hospital DSH liability is an overpayment subject to recoupment which will be the SFY 2011 interim DSH payment adjustment for hospitals with an estimated longfall. The total 2011 estimated hospital DSH liability is the lessor of the—

(I) The 2011 estimated longfall; or

(II) DSH payments paid during SFY 2011;

D. Hospitals that merge their operations under one (1) Medicare and MO HealthNet provider number shall have their SFY 2011 DSH payments adjusted based on combining the results of the 2011 state DSH surveys prorated monthly for the time period the merger was effective. If a 2011 estimated DSH liability is identified, the surviving hospital assumes the responsibility for the overpayment. The calculation for combining and prorating the 2011 state DSH surveys is set forth below—

(I) The estimated hospital DSH liability prior to the merger shall be calculated as follows:

(a) The calculations set forth in subparagraphs (3)(A)1.A., (3)(A)1.B., and (3)(A)1.C. will be calculated based on each separate hospital's 2011 state DSH survey, prorated monthly for the time period prior to the merger;

(II) The estimated hospital DSH liability beginning with the month the merger is effective shall be calculated as follows:

(a) The 2011 state DSH surveys for each hospital shall be added together to yield a combined 2011 state DSH survey and prorated monthly for the time period the merger was effective. The calculations set forth in subparagraphs (3)(A)1.A., (3)(A)1.B., and



(3)(A)1.C. will be calculated for the combined 2011 state DSH survey;

(III) The total estimated hospital DSH liability for the merged entity will be the sum of the amounts determined in part (3)(A)1.D.(I) for each hospital plus the combined amount determined in part (3)(A)1.D.(II); and

E. Facilities not providing a 2011 state DSH survey shall have their SFY 2011 DSH payments revised using the most recent hospital-specific information provided to the state by the independent DSH auditor trended to the applicable SFY using the trend factor published in *Health Care Costs* by DRI/McGraw-Hill and listed in 13 CSR 70-15.010. A facility that was not included in the most recent hospital-specific information provided to the state by the independent DSH auditor shall have their entire SFY 2011 DSH payment recouped.

2. DSH payments paid during SFY 2011 that exceed the 2011 estimated hospital-specific DSH limits will be recouped from the hospitals to reduce their payments to their 2011 estimated hospital-specific DSH limit.

3. The amount of SFY 2011 DSH payments to be recouped from a hospital by the MO HealthNet Division will be limited in each state fiscal year to two percent (2%) of the hospital's taxable revenue set forth as follows. For recoupments made during SFY 2012 the recoupment amount will be limited to two percent (2%) of the hospital's SFY 2011 taxable revenue. Any balance remaining to be recouped during SFY 2013 will be limited to two percent (2%) of the hospital's SFY 2012 taxable revenue. Any balance remaining to be recouped will be incorporated in the final DSH adjustment, if applicable. The limitation on recoupment of DSH payments shall only apply to recoupments determined in accordance with section (3). No limitation on the recoupment of DSH payments shall apply if the hospital DSH liability is determined as a result of the final annual independent DSH audit set forth in section (6).

#### (4) Interim DSH Payments.

(B) The interim DSH payments will be calculated as follows:

1. The estimated hospital-specific DSH limit is calculated as follows:

A. Estimated Medicaid net cost from the state DSH survey calculated in accordance with subsection (2)(C);

B. Less estimated other Medicaid payments calculated by MHD in accordance with 13 CSR 70-15.010;

C. Equals estimated Medicaid uncompensated care cost;

D. Plus estimated uninsured uncompensated care cost from the state DSH survey calculated in accordance with subsection (2)(E);

E. Equals estimated hospital-specific DSH limit;

2. The estimated uncompensated care costs potentially eligible for MHD interim DSH payments excludes out-of-state DSH payments and is calculated as follows:

A. Estimated hospital-specific DSH limit;

B. Less estimated out-of-state (OOS) DSH payments;

C. Equals estimated uncompensated care cost (UCC) net of OOS DSH payments;

3. Hospitals determined to have a negative estimated UCC net of OOS DSH payments (payments exceed costs) will not receive interim DSH payments because their estimated payments for the SFY are expected to exceed their estimated hospital-specific DSH limit; and

4. Qualified DSH hospitals determined to have a positive estimated UCC net of OOS DSH payments (costs exceed payments) will receive interim DSH payments. The interim DSH payments are subject to the federal DSH allotment and the estimated hospital-specific DSH limits less estimated OOS DSH payments. The interim DSH payments will be calculated as follows:

A. Interim DSH payments to qualified DSH hospitals determined to have a positive estimated UCC net of OOS DSH payments will be calculated as follows:

(I) Up to one-hundred percent (100%) of the available federal DSH allotment will be allocated to each hospital with a positive estimated UCC net of OOS DSH payments, and the allocation shall result in each hospital receiving the same percentage of their estimated UCC net of OOS DSH payments. The allocation percentage will be calculated at the beginning of the SFY by dividing the available federal DSH allotment to be distributed by the total hospital industry's positive estimated UCC net of OOS DSH payments; and

(II) The allocated amount will then be reduced by one percent (1%) for hospitals that do not contribute through a plan that is approved by the director of the Department of Health and Senior Services to support the state's poison control center and the Primary Care Resource Initiative for Missouri (PRIMO) and Patient Safety Initiative.

#### (8) State DSH Survey Reporting Requirements.

(A) Prior to SFY 2017, each hospital participating in the MO HealthNet program shall submit a state DSH survey prescribed by the state MO HealthNet agency and must be submitted by December 31 of each year. However, a corrected survey may be accepted if it is supported by documentation and the state determines the correction is appropriate and has a material impact on the survey results. The state DSH survey for each interim DSH payment period shall be completed based on the third prior year Medicare cost report adjusted to reflect anticipated operations for the interim DSH payment period. The historical Medicare cost report data may be adjusted for inflationary trends, volume adjustments, changes in reimbursement methodology, and/or other business decisions (i.e., expanded or terminated services, etc.) For example, the state DSH survey that will be used to determine SFY 2013 interim DSH payments will be based on the state DSH survey completed using the 2010 Medicare cost report data adjusted by the hospital to 2013.

1. If a new facility does not have a third prior year Medicare cost report, the state DSH survey shall be completed using the second prior year Medicare cost report, if available, adjusted to reflect anticipated operations for the interim DSH payment period.

2. If a new facility does not have a second prior year Medicare cost report, the state DSH survey shall be completed using the prior year Medicare cost report, if available, adjusted to reflect anticipated operations for the interim DSH payment period.

3. If a new facility does not have a prior year Medicare cost report, the state DSH survey shall be completed using facility projections to reflect anticipated operations for the interim DSH payment period. Interim DSH payments determined from this state DSH survey are limited to the industry average estimated interim DSH payment as set forth in subsection (4)(F).

(B) DSH surveys collected during SFY 2016 will be used to calculate SFY 2017 interim DSH payments. Beginning in SFY 2016, each hospital must complete and submit the state DSH survey set forth in paragraph (2)(W)4. to the independent DSH auditor, the MO HealthNet Division's authorized agent, in order to be considered for an interim DSH payment. The state DSH survey is due to the independent DSH auditor by the March 1 preceeding the beginning of each state fiscal year (i.e., the state DSH survey used for SFY 2017 interim DSH payments will be due to the independent DSH auditor by March 1, 2016). Hospitals that do not submit the state DSH survey by March 1 will not be eligible to receive an interim DSH payment for that SFY.

1. A new facility that does not have cost report data for the fourth prior year may complete the state DSH survey using actual, untrended cost and payment data from the most recent twelve- (12-) month cost report filed with the division.

2. A new facility that has not yet filed a Medicaid cost report with the division may complete the state DSH survey using facility projections to reflect anticipated operations for the interim DSH payment period. Trends shall not be applied to the data used to complete the state DSH survey. Interim DSH payments determined from this

state DSH survey are limited to the industry average estimated interim DSH payment as set forth in subsection (4)(F).

3. Hospitals may elect not to receive an interim DSH payment for a SFY by completing a DSH Waiver form. Hospitals that elect not to receive an interim DSH payment for a SFY must notify the division, or its authorized agent, that it elects not to receive an interim DSH payment for the upcoming SFY. If a hospital does not receive an interim DSH payment for a SFY, it will not be included in the independent DSH audit related to that SFY, and will not be eligible for final DSH audit payment adjustments related to that SFY unless it submits a request to the division to be included in the independent DSH audit.

4. If a hospital received an interim DSH payment and later determined that it did not have uncompensated care costs for Medicaid and the uninsured to support part or all the interim DSH payment that it received or is receiving, the hospital may request that the interim DSH payments be stopped or it may return the entire interim DSH payment it received.

5. Extraordinary Circumstances. A hospital may submit a request to the division to complete the state DSH survey using the actual, untrended cost and payment data from the most recent twelve- (12-) month cost report filed with the division in lieu of the fourth prior year if it experiences extraordinary circumstances. The division may, at its discretion and for good cause shown, accept such survey and use it in determining the interim DSH payment for the upcoming SFY. The request must be submitted to the division within fourteen (14) days of receiving the state DSH survey template for the SFY and include an explanation of the extraordinary circumstance, the impact it had on the state DSH survey period, and how it causes the data to be materially misstated or unrepresentative. The division shall review the facility's request and notify the facility of its decision regarding the request. The state DSH survey shall be completed using the data period approved by the division and is due by the March 1 preceeding the beginning of each SFY.

A. Extraordinary circumstances include unavoidable circumstances that are beyond the control of the facility and include the following:

(I) Act of nature (i.e., tornado, hurricane, flooding, earthquake, lightning, natural wildfire, etc.);

(II) War;

(III) Civil disturbance; or

(IV) If the data to complete the state DSH survey set forth in paragraph (2)(W)4. is not available due to a change in ownership because the prior owner is out of business and is uncooperative and unwilling to provide the necessary data.

B. A change in hospital operations or services (i.e., terminating or adding a service or a hospital wing; or, a change of owner, except as noted in part (8)(B)5.A.(IV), manager, control, operation, leaseholder or leasehold interest, or Medicare provider number by whatever form for any hospital previously certified at any time for participation in the MO HealthNet program, etc.) does not constitute an extraordinary circumstance.

6. Interim DSH Payment Adjustment. A hospital may request an adjustment to its interim DSH payment if it can provide a revised state DSH survey completed using actual, untrended cost and payment data from the most recent twelve- (12-) month cost report filed with the division that demonstrates the hospital's revised estimated hospital-specific DSH limit is materially different from the estimated hospital-specific DSH limit calculated by the division. The division may, at its discretion and for good cause shown, accept such survey and use it in determining a revised interim DSH payment for the SFY. The division will process interim DSH payment adjustments once a year. After all requests are received, the division will determine whether revisions to the interim DSH payments are appropriate. Any revisions to the interim DSH payments are subject to the unobligated DSH allotment remaining for the SFY and availability of state funds.

A. The request must meet the following criteria to be considered:

(I) The request must be submitted by December 31 of the current SFY for which interim DSH payments are being made;

(II) The request must be accompanied by a completed, revised state DSH survey based on actual, untrended cost and payment data from the most recent twelve- (12-) month cost report filed with the division;

(III) The request must include an explanation of the change in the hospital's operations, services, or other circumstances causing the original state DSH survey to be materially misstated or unrepresentative, including the impact it had on the state DSH survey period and how it causes the data to be materially misstated or unrepresentative; and

(IV) The revised estimated hospital-specific DSH limit must be at least eighty percent (80%) higher than the estimated hospital-specific DSH limit calculated by the division. No trends shall be applied to the revised state DSH survey in determining the revised estimated hospital-specific DSH limit.

B. Interim DSH payment adjustments will be calculated as follows:

(I) The DSH allotment for the SFY that has not otherwise been obligated will be distributed proportionally to the hospitals determined to meet the above criteria, based on the revised estimated hospital-specific DSH limit, less OOS DSH payments, subject to the availability of state funds.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 10—Office of the Director  
Chapter 33—Hospital and Ambulatory Surgical  
Center Data Disclosure**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under section 192.667, RSMo Supp. 2013, the department rescinds a rule as follows:

**19 CSR 10-33.010 Reporting Patient Abstract Data by Hospitals  
and Ambulatory Surgical Centers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 2, 2015 (40 MoReg 239). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 10—Office of the Director  
Chapter 33—Hospital and Ambulatory Surgical  
Center Data Disclosure**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under section 192.667, RSMo Supp. 2013, the department adopts a rule as follows:

**19 CSR 10-33.010 Reporting Patient Abstract Data by Hospitals  
and Ambulatory Surgical Centers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2015 (40 MoReg 239–260). No changes were made to the text of the rule, however the file specifications document was removed, as it should not have been published in the rule due to it being incorporated by reference. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Health and Senior Services (DHSS) received one (1) comment from a DHSS staff member.

**COMMENT #1:** A DHSS staff member commented that an incorrect version of the file layout was printed in the *Missouri Register*. In addition, the file layout is incorporated by reference, and was not intended to be printed in the actual rule. The “Patient Abstract System File Specifications” on pages 243–258 should not have been published.

**RESPONSE AND EXPLANATION OF CHANGE:** The DHSS agrees that this is an error. The correct file layout is posted on the DHSS website at <http://health.mo.gov/data/pdf/paslayout.pdf>, is incorporated by reference in the rule, and will not be published in the rule in the *Code of State Regulations*. The “Patient Abstract System File Specifications” version 10-27-2014 has been incorporated by reference and not printed within the text of the rule.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2000, the board amends a rule as follows:

20 CSR 2110-2.210 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 2, 2015 (40 MoReg 268–269). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received one (1) comment on the proposed amendment.

**SUMMARY OF COMMENTS:** Harvey Tettlebaum with Husch Blackwell commented on behalf of the Missouri Dental Association that the proposed amendment could be interpreted to require dentists to report information about a patient who receives an injury regardless of whether the injury is a result of care provided by the dentist.  
**RESPONSE AND EXPLANATION OF CHANGE:** Based upon this comment, section (1) will be changed to add language specifying that the injury requiring a report to the board is related to treatment provided by the reporting dentist.

**20 CSR 2110-2.210 Notice of Injury or Death**

(1) A dentist who practices in this state shall submit a report to the board within thirty (30) days of any mortality or any injury requiring medical attention and/or treatment from a licensed healthcare provider which occurs to a patient during treatment or within twenty-four (24) hours of receiving treatment from the dentist that resulted in mortality or injury.

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

**Notice of Dissolution of Limited Liability Company to All Creditors and Claimants  
Of and Against Madison Investments, LLC**

On June 22, 2015, Madison Investments, LLC (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on June 22, 2015. Any claims against the Company must be mailed to John Rubenstein, 6310 Lamar, #220, Overland Park, KS 66202. Claims must include: the name, address, and phone number of the claimant; the amount of the claim; the basis of claim; the date on which the claim arose; and documentation of the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
SOUTH CAROLINA BRISTOL EAST RETURN, LLC**

On April 28, 2015, South Carolina Bristol East Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
MISSOURI HARRIS BARRY POINTE RETURN, LLC**

On April 28, 2015, Missouri Harris Barry Pointe Return, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
LS ROSEVILLE MI RETURN, LLC**

On April 28, 2015, LS Roseville MI Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
MISSOURI HARRIS TUSCANY HILLS RETURN, LLC**

On April 28, 2015, Missouri Harris Tuscany Hills Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
MISSOURI BRISTOL PARK RETURN, LLC**

On April 28, 2015, Missouri Bristol Park Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST B & G CATTLE, LLC**

On June 17, 2015, B & G Cattle, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against B & G Cattle, LLC, you must submit a summary in writing of the circumstances surrounding your claim to: Bradshaw, Steele, Cochran & Berens, L.C., Attn: Craig M. Billmeyer, 3113 Independence, P.O. Box 1300, Cape Girardeau, MO 63702-1300. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant, (2) the amount of the claim, (3) the date the event on which the claim is based occurred, and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against B & G Cattle, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

To: All creditors of and claimants against Milner O'Quinn Investments, LLC, a Missouri limited liability company, ("Company") .

On June 30, 2015, Milner O'Quinn Investments, LLC, Charter Number **LC0744616**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the c/o Gayle Evans, Attorney at Law, Chinnery Evans & Nail, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of Milner O'Quinn Investments, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST MILNER O'QUINN INVESTMENTS, LLC, WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS  
AGAINST ARGYLE CHEQUER LLC**

On May 28, 2015, **ARGYLE CHEQUER LLC**, a Missouri limited liability company, filed a Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against **ARGYLE CHEQUER LLC**, you must submit a summary in writing of the circumstances surrounding your claim to: Andrew Clynes, 400 Moule Drive, Florissant, Missouri 63031.

The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date the event on which the claim is based occurred; and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against **ARGYLE CHEQUER LLC** will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF  
AND CLAIMANTS OF PERFORMANCE DIRECT, LLC**

You are hereby notified that Performance Direct, LLC, a Missouri limited liability company, the principal office of which is located at 340 North Main Street, Suite 204, St. Charles, Missouri 63301, (the "Company") filed a Notice of Winding Up for Limited Liability Company and Articles of Termination for Limited Liability Company with the Secretary of the State of Missouri on June 5, 2015. In order to file a claim with the Company, you must furnish:

1. The name and address of the claimant;
2. Amount of claim;
3. Basis for the claim;
4. Documentation of the claim; and
5. The date(s) on which the event(s) on which the claim is based occurred.

The claim must be mailed to Daniel J. Borgmeyer, 340 North Main Street, Suite 204, St. Charles, Missouri 63301. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

**Rule Changes Since Update to  
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR	Office of Administration				40 MoReg 851
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053 39 MoReg 2074
1 CSR 10-10.010	Commissioner of Administration		40 MoReg 174	40 MoReg 784	
1 CSR 50-3.010	Missouri Ethics Commission		40 MoReg 388	40 MoReg 883	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR	Department of Agriculture				40 MoReg 851
2 CSR 80-5.010	State Milk Board		40 MoReg 516		
2 CSR 80-6.041	State Milk Board		40 MoReg 518		
2 CSR 90-10	Weights and Measures				38 MoReg 1241 39 MoReg 1399
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR	Department of Conservation				40 MoReg 851
3 CSR 10-4.110	Conservation Commission		40 MoReg 389	40 MoReg 784	
3 CSR 10-5.205	Conservation Commission		40 MoReg 389	40 MoReg 784	
3 CSR 10-5.210	Conservation Commission		40 MoReg 389	40 MoReg 784	
3 CSR 10-7.405	Conservation Commission		40 MoReg 390	40 MoReg 784	
3 CSR 10-7.431	Conservation Commission		40 MoReg 390	40 MoReg 785	
3 CSR 10-7.432	Conservation Commission		40 MoReg 391	40 MoReg 785	
3 CSR 10-7.434	Conservation Commission		N.A.	40 MoReg 846	
3 CSR 10-7.435	Conservation Commission		N.A.	40 MoReg 846	
3 CSR 10-7.437	Conservation Commission		N.A.	40 MoReg 847	
3 CSR 10-7.455	Conservation Commission		40 MoReg 391	40 MoReg 785	
3 CSR 10-8.510	Conservation Commission		40 MoReg 392	40 MoReg 847	
3 CSR 10-9.220	Conservation Commission		40 MoReg 392	40 MoReg 785	
3 CSR 10-9.353	Conservation Commission		40 MoReg 392	40 MoReg 785	
3 CSR 10-9.359	Conservation Commission		40 MoReg 392	40 MoReg 786	
3 CSR 10-9.560	Conservation Commission		40 MoReg 393	40 MoReg 786	
3 CSR 10-9.565	Conservation Commission		40 MoReg 393	40 MoReg 786	
3 CSR 10-9.566	Conservation Commission		40 MoReg 394	40 MoReg 786	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR	Department of Economic Development				40 MoReg 851
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-11.010	Division of Business and Community Services		40 MoReg 871		
4 CSR 85-11.020	Division of Business and Community Services		40 MoReg 871		
4 CSR 240-2.061	Public Service Commission		40 MoReg 520R		
4 CSR 240-2.062	Public Service Commission		40 MoReg 520R		
4 CSR 240-3.500	Public Service Commission		40 MoReg 520R		
4 CSR 240-3.505	Public Service Commission		40 MoReg 521R		
4 CSR 240-3.510	Public Service Commission		40 MoReg 521R		
4 CSR 240-3.513	Public Service Commission		40 MoReg 521R		
4 CSR 240-3.515	Public Service Commission		40 MoReg 522R		
4 CSR 240-3.520	Public Service Commission		40 MoReg 522R		
4 CSR 240-3.525	Public Service Commission		40 MoReg 523R		
4 CSR 240-3.530	Public Service Commission		40 MoReg 523R		



Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.535	Public Service Commission		40 MoReg 523R		
4 CSR 240-3.540	Public Service Commission		40 MoReg 524R		
4 CSR 240-3.545	Public Service Commission		40 MoReg 524R		
4 CSR 240-3.550	Public Service Commission		40 MoReg 524R		
4 CSR 240-3.555	Public Service Commission		40 MoReg 525R		
4 CSR 240-3.560	Public Service Commission		40 MoReg 525R		
4 CSR 240-3.565	Public Service Commission		40 MoReg 526R		
4 CSR 240-20.065	Public Service Commission		40 MoReg 526		
4 CSR 240-20.100	Public Service Commission		40 MoReg 538		
4 CSR 240-28.010	Public Service Commission		40 MoReg 555		
4 CSR 240-28.020	Public Service Commission		40 MoReg 555		
4 CSR 240-28.030	Public Service Commission		40 MoReg 556		
4 CSR 240-28.040	Public Service Commission		40 MoReg 558		
4 CSR 240-28.050	Public Service Commission		40 MoReg 559		
4 CSR 240-28.060	Public Service Commission		40 MoReg 560		
4 CSR 240-28.070	Public Service Commission		40 MoReg 561		
4 CSR 240-28.080	Public Service Commission		40 MoReg 562		
4 CSR 240-28.090	Public Service Commission		40 MoReg 563		
4 CSR 240-30.020	Public Service Commission		40 MoReg 564R		
4 CSR 240-30.040	Public Service Commission		40 MoReg 564R		
4 CSR 240-32.010	Public Service Commission		40 MoReg 564R		
4 CSR 240-32.020	Public Service Commission		40 MoReg 565R		
4 CSR 240-32.040	Public Service Commission		40 MoReg 565R		
4 CSR 240-32.050	Public Service Commission		40 MoReg 566R		
4 CSR 240-32.060	Public Service Commission		40 MoReg 566R		
4 CSR 240-32.070	Public Service Commission		40 MoReg 566R		
4 CSR 240-32.080	Public Service Commission		40 MoReg 567R		
4 CSR 240-32.090	Public Service Commission		40 MoReg 567R		
4 CSR 240-32.100	Public Service Commission		40 MoReg 567R		
4 CSR 240-32.120	Public Service Commission		40 MoReg 568R		
4 CSR 240-32.130	Public Service Commission		40 MoReg 568R		
4 CSR 240-32.140	Public Service Commission		40 MoReg 569R		
4 CSR 240-32.150	Public Service Commission		40 MoReg 569R		
4 CSR 240-32.160	Public Service Commission		40 MoReg 569R		
4 CSR 240-32.170	Public Service Commission		40 MoReg 570R		
4 CSR 240-32.180	Public Service Commission		40 MoReg 570R		
4 CSR 240-32.190	Public Service Commission		40 MoReg 570R		
4 CSR 240-32.200	Public Service Commission		40 MoReg 571R		
4 CSR 240-33.010	Public Service Commission		40 MoReg 571R		
4 CSR 240-33.020	Public Service Commission		40 MoReg 572R		
4 CSR 240-33.040	Public Service Commission		40 MoReg 572R		
4 CSR 240-33.045	Public Service Commission		40 MoReg 572R		
4 CSR 240-33.050	Public Service Commission		40 MoReg 573R		
4 CSR 240-33.060	Public Service Commission		40 MoReg 573R		
4 CSR 240-33.070	Public Service Commission		40 MoReg 574R		
4 CSR 240-33.080	Public Service Commission		40 MoReg 574R		
4 CSR 240-33.090	Public Service Commission		40 MoReg 574R		
4 CSR 240-33.100	Public Service Commission		40 MoReg 575R		
4 CSR 240-33.110	Public Service Commission		40 MoReg 575R		
4 CSR 240-33.120	Public Service Commission		40 MoReg 575R		
4 CSR 240-33.130	Public Service Commission		40 MoReg 576R		
4 CSR 240-33.140	Public Service Commission		40 MoReg 576R		
4 CSR 240-33.150	Public Service Commission		40 MoReg 577R		
4 CSR 240-33.160	Public Service Commission		40 MoReg 577R		
4 CSR 240-33.170	Public Service Commission		40 MoReg 577R		

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

5 CSR	Department of Elementary and Secondary Education				40 MoReg 851
5 CSR 20-200.260	Division of Learning Services		40 MoReg 225	40 MoReg 883W	
5 CSR 20-300.110	Division of Learning Services		N.A.	40 MoReg 723	
5 CSR 20-600.110	Division of Learning Services		40 MoReg 834		
5 CSR 20-600.120	Division of Learning Services		40 MoReg 227	40 MoReg 883	
5 CSR 20-600.140	Division of Learning Services		40 MoReg 394		
5 CSR 20-700.100	Division of Learning Services		40 MoReg 227	40 MoReg 883	
5 CSR 30-640.200	Division of Financial and Administrative Services		40 MoReg 228	40 MoReg 786W	
			40 MoReg 834		
5 CSR 30-660.080	Division of Financial and Administrative Services		40 MoReg 55	40 MoReg 723	
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		40 MoReg 395		

**DEPARTMENT OF HIGHER EDUCATION**

6 CSR	Department of Higher Education				40 MoReg 851
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**DEPARTMENT OF TRANSPORTATION**

7 CSR 10-25.010	Missouri Highways and Transportation Commission				40 MoReg 789 40 MoReg 790 40 MoReg 852 40 MoReg 885 40 MoReg 886 40 MoReg 886
7 CSR 10-25.020	Missouri Highways and Transportation Commission		40 MoReg 55	40 MoReg 786	
7 CSR 10-25.030	Missouri Highways and Transportation Commission		40 MoReg 751		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
8 CSR 50-2.025	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division of Workers' Compensation		This Issue		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-6.110	Air Conservation Commission		39 MoReg 1509	40 MoReg 138	
10 CSR 10-6.260	Air Conservation Commission		40 MoReg 621R		
10 CSR 10-6.261	Air Conservation Commission		40 MoReg 621		
10 CSR 10-6.372	Air Conservation Commission		40 MoReg 753		
10 CSR 10-6.374	Air Conservation Commission		40 MoReg 765		
10 CSR 10-6.376	Air Conservation Commission		40 MoReg 777		
10 CSR 25-3.260	Hazardous Waste Management Commission		40 MoReg 626		
10 CSR 25-4.261	Hazardous Waste Management Commission		40 MoReg 629		
10 CSR 25-5.262	Hazardous Waste Management Commission		40 MoReg 631		
10 CSR 25-6.263	Hazardous Waste Management Commission		40 MoReg 639		
10 CSR 25-7.264	Hazardous Waste Management Commission		40 MoReg 639		
10 CSR 25-7.265	Hazardous Waste Management Commission		40 MoReg 650		
10 CSR 25-7.266	Hazardous Waste Management Commission		40 MoReg 655		
10 CSR 25-7.268	Hazardous Waste Management Commission		40 MoReg 656		
10 CSR 25-7.270	Hazardous Waste Management Commission		40 MoReg 657		
10 CSR 25-8.124	Hazardous Waste Management Commission		40 MoReg 662		
10 CSR 25-9.020	Hazardous Waste Management Commission		40 MoReg 663		
10 CSR 25-11.279	Hazardous Waste Management Commission		40 MoReg 665		
10 CSR 25-12.010	Hazardous Waste Management Commission		40 MoReg 872		
10 CSR 25-13.010	Hazardous Waste Management Commission		40 MoReg 666		
10 CSR 25-16.273	Hazardous Waste Management Commission		40 MoReg 670		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 30-12.010	Office of the Director		40 MoReg 231	40 MoReg 787	
11 CSR 45-13.051	Missouri Gaming Commission		This Issue		
11 CSR 45-13.065	Missouri Gaming Commission		This Issue		
11 CSR 45-30.025	Missouri Gaming Commission		This Issue		
11 CSR 45-30.060	Missouri Gaming Commission		This IssueR		
11 CSR 45-30.070	Missouri Gaming Commission		This Issue		
11 CSR 45-30.090	Missouri Gaming Commission		This Issue		
11 CSR 45-30.130	Missouri Gaming Commission		This Issue		
11 CSR 45-30.140	Missouri Gaming Commission		This Issue		
11 CSR 45-30.145	Missouri Gaming Commission		This IssueR		
11 CSR 45-30.150	Missouri Gaming Commission		This Issue		
11 CSR 45-30.155	Missouri Gaming Commission		This Issue		
11 CSR 45-30.175	Missouri Gaming Commission		This Issue		
11 CSR 45-30.180	Missouri Gaming Commission		This Issue		
11 CSR 45-30.190	Missouri Gaming Commission		This Issue		
11 CSR 45-30.200	Missouri Gaming Commission		This Issue		
11 CSR 45-30.235	Missouri Gaming Commission		This Issue		
11 CSR 45-30.250	Missouri Gaming Commission		This IssueR		
11 CSR 45-30.270	Missouri Gaming Commission		This Issue		
11 CSR 45-30.280	Missouri Gaming Commission		This IssueR		
11 CSR 45-30.340	Missouri Gaming Commission		This Issue		
11 CSR 45-30.355	Missouri Gaming Commission		This Issue		
11 CSR 45-30.357	Missouri Gaming Commission		This Issue		
11 CSR 45-30.370	Missouri Gaming Commission		This Issue		
11 CSR 45-30.523	Missouri Gaming Commission		This Issue		
11 CSR 45-30.525	Missouri Gaming Commission		This Issue		
11 CSR 45-30.535	Missouri Gaming Commission		This Issue		
11 CSR 45-30.540	Missouri Gaming Commission		This Issue		
11 CSR 45-30.545	Missouri Gaming Commission		This Issue		
11 CSR 45-30.550	Missouri Gaming Commission		This Issue		
11 CSR 45-30.575	Missouri Gaming Commission		This Issue		
11 CSR 45-30.580	Missouri Gaming Commission		This Issue		
11 CSR 45-30.590	Missouri Gaming Commission		This Issue		
11 CSR 45-30.600	Missouri Gaming Commission		This Issue		
11 CSR 45-30.610	Missouri Gaming Commission		This Issue		
11 CSR 50-2.010	Missouri State Highway Patrol		40 MoReg 13	40 MoReg 723	
11 CSR 50-2.100	Missouri State Highway Patrol		40 MoReg 13	40 MoReg 724	
11 CSR 50-2.230	Missouri State Highway Patrol		40 MoReg 14	40 MoReg 724	
11 CSR 50-2.240	Missouri State Highway Patrol		40 MoReg 14	40 MoReg 724	
11 CSR 50-2.270	Missouri State Highway Patrol		40 MoReg 15	40 MoReg 724	
11 CSR 50-2.290	Missouri State Highway Patrol		40 MoReg 15	40 MoReg 724	
11 CSR 50-2.321	Missouri State Highway Patrol		40 MoReg 15	40 MoReg 724	
11 CSR 75-18.010	Peace Officer Standards and Training Program		40 MoReg 232	This Issue	
11 CSR 75-18.020	Peace Officer Standards and Training Program		40 MoReg 233	This Issue	
11 CSR 75-18.030	Peace Officer Standards and Training Program		40 MoReg 234	This Issue	
11 CSR 75-18.040	Peace Officer Standards and Training Program		40 MoReg 234	This Issue	
11 CSR 75-18.050	Peace Officer Standards and Training Program		40 MoReg 235	This Issue	
11 CSR 75-18.060	Peace Officer Standards and Training Program		40 MoReg 235	This Issue	
11 CSR 75-18.070	Peace Officer Standards and Training Program		40 MoReg 236	This Issue	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-24.060	Director of Revenue		40 MoReg 307	40 MoReg 847	
12 CSR 10-24.200	Director of Revenue		40 MoReg 307	40 MoReg 847	
12 CSR 10-24.305	Director of Revenue		40 MoReg 310	40 MoReg 848	
12 CSR 10-24.326	Director of Revenue		40 MoReg 310	40 MoReg 848	
12 CSR 10-24.330	Director of Revenue		40 MoReg 315	40 MoReg 848	
12 CSR 10-24.335	Director of Revenue		40 MoReg 317	40 MoReg 848	
12 CSR 10-24.385	Director of Revenue		40 MoReg 317R	40 MoReg 848R	
12 CSR 10-24.390	Director of Revenue		40 MoReg 317	40 MoReg 848	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-24.395	Director of Revenue		40 MoReg 319	40 MoReg 849	
12 CSR 10-24.442	Director of Revenue		40 MoReg 319R	40 MoReg 849R	
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 10-1.015	Division of Finance and Administrative Services		40 MoReg 719		
13 CSR 35-31.010	Children's Division		40 MoReg 838		
13 CSR 40-2.015	Family Support Division		This Issue		
13 CSR 40-13.020	Family Support Division		40 MoReg 175	40 MoReg 725	
13 CSR 40-13.030	Family Support Division		40 MoReg 236R	40 MoReg 849R	
13 CSR 65-2.020	Missouri Medicaid Audit and Compliance		40 MoReg 838		
13 CSR 70-10.110	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-15.010	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-15.110	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-15.220	MO HealthNet Division		40 MoReg 176	This Issue	
13 CSR 70-20.340	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-90.010	MO HealthNet Division		40 MoReg 719		
13 CSR 70-90.020	MO HealthNet Division		40 MoReg 720		
13 CSR 70-92.010	MO HealthNet Division		This IssueR		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-54.210	Secretary of State	40 MoReg 223	40 MoReg 236	40 MoReg 849	
15 CSR 50-4.020	Treasurer	40 MoReg 224	40 MoReg 239	40 MoReg 787	
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-3.010	The Public School Retirement System of Missouri		40 MoReg 319	40 MoReg 849	
16 CSR 10-5.010	The Public School Retirement System of Missouri		40 MoReg 721		
16 CSR 10-6.020	The Public School Retirement System of Missouri		40 MoReg 320	40 MoReg 850	
16 CSR 10-6.060	The Public School Retirement System of Missouri		40 MoReg 721		
<b>BOARDS OF POLICE COMMISSIONERS</b>					
17 CSR 10-2.010	Kansas City Board of Police Commissioners				40 MoReg 852
17 CSR 10-2.040	Kansas City Board of Police Commissioners				40 MoReg 853
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10-5.010	Office of State Public Defender		39 MoReg 1275		
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 10-33.010	Office of the Director		40 MoReg 239R	This IssueR	
			40 MoReg 239	This Issue	
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 20-28.010	Division of Community and Public Health		40 MoReg 578		
19 CSR 20-28.040	Division of Community and Public Health		40 MoReg 585		
19 CSR 25-36.010	State Public Health Laboratory		40 MoReg 261	40 MoReg 787	
19 CSR 30-1.048	Division of Regulation and Licensure		40 MoReg 267	40 MoReg 788	
19 CSR 30-1.062	Division of Regulation and Licensure		40 MoReg 267	40 MoReg 788	
19 CSR 30-1.064	Division of Regulation and Licensure		40 MoReg 268	40 MoReg 788	
19 CSR 60-50	Missouri Health Facilities Review Committee				40 MoReg 457
					40 MoReg 726
					40 MoReg 726
					40 MoReg 790
					40 MoReg 853
					40 MoReg 887
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Applied Behavior Analysis Maximum Benefit				40 MoReg 280
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 2149
20 CSR	Sovereign Immunity Limits				39 MoReg 2149
20 CSR	State Legal Expense Fund Cap				39 MoReg 2149
20 CSR 400-1.130	Life, Annuities and Health		40 MoReg 186	40 MoReg 725	
20 CSR 2015-1.030	Acupuncturist Advisory Committee	40 MoReg 479	40 MoReg 480	40 MoReg 884	
20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners	40 MoReg 829	40 MoReg 841		
20 CSR 2085-12.035	Board of Cosmetology and Barber Examiners	40 MoReg 830	40 MoReg 841		
20 CSR 2085-12.060	Board of Cosmetology and Barber Examiners	40 MoReg 831	40 MoReg 842		
20 CSR 2095-1.020	Committee for Professional Counselors	40 MoReg 387	40 MoReg 395	40 MoReg 884	
20 CSR 2110-2.210	Missouri Dental Board		40 MoReg 268	This Issue	
20 CSR 2115-1.040	State Committee of Dietitians		40 MoReg 843		
20 CSR 2245-1.010	Real Estate Appraisers		This Issue		
20 CSR 2245-3.005	Real Estate Appraisers		This Issue		
20 CSR 2245-3.010	Real Estate Appraisers		This Issue		
20 CSR 2245-6.040	Real Estate Appraisers		This Issue		
20 CSR 2245-8.010	Real Estate Appraisers		This Issue		
20 CSR 2245-8.030	Real Estate Appraisers		This Issue		

Agency	Publication	Effective	Expiration
<b>Department of Social Services</b>			
<b>MO HealthNet Division</b>			
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance . . . . .	This Issue . . . . .	July 1, 2015 . . . . .Dec. 28, 2015
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Reimbursement Methodology . . . . .	This Issue . . . . .	July 1, 2015 . . . . .Dec. 28, 2015
13 CSR 70-15.110	Federal Reimbursement Allowance . . . . .	This Issue . . . . .	July 1, 2015 . . . . .Dec. 28, 2015
13 CSR 70-20.340	National Drug Code Requirement . . . . .	This Issue . . . . .	July 1, 2015 . . . . .Dec. 28, 2015
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>Life, Annuities and Health</b>			
20 CSR 400-11.140	Renewal Applications and Fees—Individual Navigators and Entity Navigators . . . . .	Next Issue . . . . .	July 25, 2015 . . . . .Feb. 25, 2016
<b>Acupuncturist Advisory Committee</b>			
20 CSR 2015-1.030	Fees . . . . .	40 MoReg 479 . . . . .	March 26, 2015 . . . . .Sept. 21, 2015
<b>Board of Cosmetology and Barber Examiners</b>			
20 CSR 2085-12.010	General Rules and Application Requirements for All Schools . . . . .	40 MoReg 829 . . . . .	June 7, 2015 . . . . .Feb. 25, 2016
20 CSR 2085-12.035	Requirements for Barber Schools . . . . .	40 MoReg 830 . . . . .	June 7, 2015 . . . . .Feb. 25, 2016
20 CSR 2085-12.060	Requirements for Cosmetology Schools . . . . .	40 MoReg 831 . . . . .	June 7, 2015 . . . . .Feb. 25, 2016
<b>Committee for Professional Counselors</b>			
20 CSR 2095-1.020	Fees . . . . .	40 MoReg 387 . . . . .	March 16, 2015 . . . . .Sept. 11, 2015
<b>State Board of Pharmacy</b>			
20 CSR 2220-4.010	General Fees . . . . .	Next Issue . . . . .	July 20, 2015 . . . . .Dec. 1, 2015

# Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
<b>4015</b>			
<b>15-05</b>	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	Next Issue
<b>15-04</b>	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	Next Issue
<b>15-03</b>	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	This Issue
<b>15-02</b>	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
<b>15-01</b>	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173
<b>2014</b>			
<b>14-16</b>	Extends Executive Order 14-07 and further orders that the Disparity Study Oversight Review Committee present its report to the governor and commissioner of administration by January 31, 2015.	Dec. 24, 2014	40 MoReg 129
<b>14-15</b>	Establishes the "Ferguson Commission" which shall study and recommend ways to make the St. Louis region a stronger, fairer place for everyone to live by studying the following subjects: 1) citizen-law enforcement interactions and relations; 2) racial and ethnic relations; 3) municipal government organization and the municipal court system; and 4) disparities in substantive areas.	Nov. 18, 2014	40 MoReg 5
<b>14-14</b>	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol with the St. Louis County Police Department and the St. Louis Metropolitan Police Department to operate as a Unified command and ensure public safety in the City of Ferguson and the St. Louis Region and further orders the Adjutant General to call and order into service such portions of the organized militia as he deems necessary.	Nov. 17, 2014	39 MoReg 2116
<b>14-13</b>	Closes state offices Nov. 28, 2014.	Oct. 31, 2014	39 MoReg 1811
<b>14-12</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Activation Plan be activated.	Oct. 22, 2014	39 MoReg 1809
<b>14-11</b>	Establishes the Office of Community Engagement.	Sept. 18, 2014	39 MoReg 1656
<b>14-10</b>	Terminates Executive Orders 14-08 and 14-09.	Sept. 3, 2014	39 MoReg 1613
<b>14-09</b>	Activates the state militia in response to civil unrest in the City of Ferguson and authorizes the superintendent of the Missouri State Highway Patrol to maintain peace and order.	Aug. 18, 2014	39 MoReg 1566
<b>14-08</b>	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol to command all operations necessary in the city of Ferguson, further orders other law enforcement to assist the patrol when requested, and imposes a curfew.	Aug. 16, 2014	39 MoReg 1564
<b>14-07</b>	Establishes the Disparity Study Oversight Review Committee.	July 2, 2014	39 MoReg 1345
<b>14-06</b>	Orders that the Division of Energy develop a comprehensive State Energy Plan to chart a course toward a sustainable and prosperous energy future that will create jobs and improve Missourians' quality of life.	June 18, 2014	39 MoReg 1262
<b>14-05</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	39 MoReg 1114
<b>14-04</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
<b>14-03</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
<b>14-02</b>	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
<b>14-01</b>	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491

The rule number and the MoReg publication date follow each entry to this index.

## **ACUPUNCTURIST ADVISORY COMMITTEE**

fees; 20 CSR 2015-1.030; 4/15/15, 7/15/15

## **ADMINISTRATION, OFFICE OF**

periodic rule review; 1 CSR; 7/1/15

shareleave for foster and adoptive placement and care; 1 CSR 10-10.010; 2/17/15, 6/15/15

state official's salary compensation schedule; 1 CSR 10; 12/1/14

## **AGRICULTURE, DEPARTMENT OF**

milk board, state

dairy manufacturing plant, dairy manufacturing farm, and personnel licensure; 2 CSR 80-6.041; 5/1/15

inspection fees; 2 CSR 80-5.010; 5/1/15

periodic rule review; 2 CSR; 7/1/15

## **AIR CONSERVATION COMMISSION**

control of sulfur dioxide emissions; 10 CSR 10-6.261; 5/15/15

cross-state air pollution rule annual NO<sub>x</sub> trading allowance allocations; 10 CSR 10-6.372; 6/15/15

cross-state air pollution rule annual SO<sub>2</sub> allowance trading allocations; 10 CSR 10-6.376; 6/15/15

cross-state air pollution rule ozone season NO<sub>x</sub> trading allowance allocations; 10 CSR 10-6.374; 6/15/15

restriction of emission of sulfur compounds; 10 CSR 10-6.260; 5/15/15

## **CERTIFICATE OF NEED PROGRAM**

application review schedule; 19 CSR 60-50; 6/1/15, 6/15/15, 7/1/15, 7/15/15

## **CHILDREN'S DIVISION**

definitions; 13 CSR 35-31.010; 7/1/15

## **COSMETOLOGY AND BARBER EXAMINERS, BOARD OF**

general rules and application requirements for all schools; 20 CSR 2085-12.010; 7/1/15

requirements for barber schools; 20 CSR 2085-12.035; 7/1/15

requirements for cosmetology schools; 20 CSR 2085-12.060; 7/1/15

## **CONSERVATION, DEPARTMENT OF**

class I and class II wildlife breeder: records required; 3 CSR 10-9.359; 4/1/15, 6/15/15

deer

antlerless deer hunting permit availability; 3 CSR 10-7.437; 7/1/15

archery season; 3 CSR 10-7.432; 4/1/15, 6/15/15

hunting seasons: general provisions; 3 CSR 10-7.431; 4/1/15, 6/15/15

landowner privileges; 3 CSR 10-7.434; 7/1/15

special harvest permit; 3 CSR 10-7.435; 7/1/15

general prohibition; applications; 3 CSR 10-4.110; 4/1/15, 6/15/15

general provisions; 3 CSR 10-7.405; 4/1/15, 6/15/15

licensed hunting preserve

permit; 3 CSR 10-9.560; 4/1/15, 6/15/15

privileges; 3 CSR 10-9.565; 4/1/15, 6/15/15

records required; 3 CSR 10-9.566; 4/1/15, 6/15/15

periodic rule review; 3 CSR; 7/1/15

permits required; exceptions; 3 CSR 10-5.205; 4/1/15, 6/15/15

permits to be signed and carried; 3 CSR 10-5.210; 4/1/15, 6/15/15

privileges of class I and class II wildlife breeders; 3 CSR 10-9.353; 4/1/15, 6/15/15

turkeys: seasons, methods, limits; 3 CSR 10-7.455; 4/1/15, 6/15/15

use of traps; 3 CSR 10-8.510; 4/1/15, 7/1/15

wildlife confinement standards; 3 CSR 10-9.220; 4/1/15, 6/15/15

## **COUNSELORS, COMMITTEE FOR PROFESSIONAL**

fees; 20 CSR 2095-1.020; 4/1/15, 7/15/15

## **DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR**

certification maintenance; 5 CSR 100-200.130; 4/1/15

## **DENTAL BOARD, MISSOURI**

notice of injury or death; 20 CSR 2110-2.210; 3/2/15, 8/3/15

## **DIETICIANS, STATE COMMITTEE OF**

fees; 20 CSR 2115-1.040; 7/1/15

## **DRIVER LICENSE BUREAU RULES**

commercial driver instruction permit; 12 CSR 10-24.390; 3/16/15, 7/1/15

commercial driver license requirements/exemptions; 12 CSR 10-24.305; 3/16/15, 7/1/15

commercial drivers licensing third party examination audit retest process; 12 CSR 24.335; 3/16/15, 7/1/15

delegation of authority to administer Missouri drivers license examinations; 12 CSR 10-24.060; 3/16/15, 7/1/15

delegation of authority to third-party testers to conduct skills tests of applicants for commercial drivers licenses; 12 CSR 10-24.330; 3/16/15, 7/1/15

delegation of authority to the Missouri State Highway Patrol to conduct skills testing of applicants for commercial driver licenses; 12 CSR 10-24.395; 3/16/15, 7/1/15

driver license classes; 12 CSR 10-24.200; 3/16/15, 7/1/15

school bus permits; 12 CSR 10-24.385; 3/16/15, 7/1/15

stacking sixty- (60-)day, ninety- (90-)day, one hundred twenty- (120-)day, and one hundred eighty- (180-)day disqualifications; 12 CSR 10-24.442; 3/16/15, 7/1/15

third party tester and examiner sanction and hearing guidelines; 12 CSR 10-24.326; 3/16/15, 7/1/15

## **ECONOMIC DEVELOPMENT, DEPARTMENT OF**

innovative campus tax credit; 4 CSR 85-11.010; 7/15/15

periodic rule review; 4 CSR; 7/1/15

valuation of donations; 4 CSR 85-11.020; 7/15/15

## **ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF**

academic standards; 5 CSR 20-200.260; 3/2/15, 7/15/15

early learning facilities funding formula for lease agreements; 5 CSR 30-640.200; 3/2/15, 6/15/15, 7/1/15

general provisions governing programs authorized under the early childhood development act; 5 CSR 20-600.110; 7/1/15

Individuals with Disabilities Education Act, Part B; 5 CSR 20-300.110; 6/1/15

instruction for prekindergarten; 5 CSR 20-600.120; 3/2/15, 7/15/15

performance districts; 5 CSR 30-660.080; 1/15/15, 6/1/15

periodic rule review; 5 CSR; 7/1/15

prekindergarten program standards; 5 CSR 20-600.140; 4/1/15

statewide longitudinal data system; 5 CSR 20-700.100; 3/2/15, 7/15/15

**ETHICS COMMISSION, MISSOURI**

late fee; 1 CSR 50-3.010; 4/1/15, 7/15/15

**EXECUTIVE ORDERS**

declares a state of emergency in the state of Missouri and directs that the Missouri State of Emergency Operations Plan be activated; 15-03; 8/3/15

extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by Oct. 15, 2015; 15-02; 7/1/15

**FAMILY SUPPORT DIVISION**

adjustment of blind pension payments; 13 CSR 40-13.030; 3/2/15, 7/1/15

authorized representative; 13 CSR 40-2.015; 8/3/15

screening temporary assistance applicants and recipients for illegal use of a controlled substance; 13 CSR 40-2.410; 12/1/14, 3/16/15

vision re-examination; 13 CSR 40-13.020; 2/17/15, 6/1/15

**GAMING COMMISSION, MISSOURI**

bingo

additional application information for bingo and pull-tab licenses; 11 CSR 45-30.090; 8/3/15

approval of bingo paraphernalia; 11 CSR 45-30.540; 8/3/15

bingo equipment defined; 11 CSR 45-30.155; 8/3/15

bingo hearings; 11 CSR 45-13.051; 8/3/15

bingo promotions; 11 CSR 45-30.025; 8/3/15

contraband; 11 CSR 45-30.545; 8/3/15

duty of licensee to exclude ineligible persons; 11 CSR 45-30.590; 8/3/15

electronic bingo card monitoring devices; 11 CSR 45-30.600; 8/3/15

event ticket; 11 CSR 45-30.357; 8/3/15

hall provider license; 11 CSR 45-30.235; 8/3/15

information to be posted; 11 CSR 45-30.150; 8/3/15

inventory, ownership, and leasing of bingo equipment; 11 CSR 45-30.180; 8/3/15

licensee's duty to report and prevent misconduct; 11 CSR 45-30.550; 8/3/15

member(s) in charge; 11 CSR 45-30.130; 8/3/15

merchandise prizes; 11 CSR 45-30.200; 8/3/15

net receipts from bingo and bank account; 11 CSR 45-30.280; 8/3/15

operator(s); 11 CSR 45-30.060; 8/3/15

organization (operator) record keeping requirements; 11 CSR 45-30.175; 8/3/15

participation of full-time employee, full-time staff member, or ordained member of clergy; 11 CSR 45-30.340; 8/3/15

penalties; 11 CSR 45-30.535; 8/3/15

premises defined, inspections, all gambling and gambling devices prohibited; 11 CSR 45-30.270; 8/3/15

premises required to be open for inspection; 11 CSR 45-30.145; 8/3/15

procedure for entry of names to the list of ineligible persons; 11 CSR 45-30.580; 8/3/15

progressive games; 11 CSR 45-30.370; 8/3/15

pull-tab packaging, assembly, and distribution; 11 CSR 45-30.575; 8/3/15

regular bingo license; 11 CSR 45-30.070; 8/3/15

rules of play; 11 CSR 45-30.190; 8/3/15

sale of pull-tab cards by bingo licensees; 11 CSR 45-30.355; 8/3/15

settlements; 11 CSR 45-13.065; 8/3/15

subsidiary body-application for license; 11 CSR 45-30.250; 8/3/15

supplier license; 11 CSR 45-30.523; 8/3/15

supplier record keeping requirements; 11 CSR 45-30.525; 8/3/15

wireless technology; 11 CSR 45-30.610; 8/3/15

worker-player; 11 CSR 45-30.140; 8/3/15

**HAZARDOUS WASTE MANAGEMENT COMMISSION**

definitions, modifications to incorporations and confidential business information; 10 CSR 25-3.260; 5/15/15

fees and taxes; 10 CSR 25-12.010; 7/15/15

interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities; 10 CSR 25-7.265; 5/15/15

hazardous waste resource recovery processes; 10 CSR 25-9.020; 5/15/15

land disposal restrictions; 10 CSR 25-7.268; 5/15/15

methods for identifying hazardous waste; 10 CSR 25-4.261; 5/15/15

Missouri administered permit programs: the hazardous waste permit program; 10 CSR 25-7.270; 5/15/15

polychlorinated bipheyls; 10 CSR 25-13.010; 5/15/15

procedures for decision; 10 CSR 25-8.124; 5/15/15

recycled used oil management standards; 10 CSR 25-11.279; 5/15/15

standards applicable to generators of hazardous waste; 10 CSR 25-5.262; 5/15/15

standards for owners and operators of hazardous waste treatment, storage, and disposal facilities; 10 CSR 25-7.264; 5/15/15

standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities; 10 CSR 25-7.266; 5/15/15

standards for transporters of hazardous waste; 10 CSR 25-6.263; 5/15/15

standards for universal waste management; 10 CSR 25-16.273; 5/15/15

**HEALTH AND SENIOR SERVICES**

community and public health, division of

day care immunization rule; 19 CSR 20-28.040; 5/1/15

immunization requirements for school children; 19 CSR 20-28.010; 5/1/15

office of the director

reporting patient abstract data by hospitals and ambulatory surgical centers; 19 CSR 10-33.010; 3/2/15, 8/3/15

regulation and licensure, division of

partial filling of schedule II prescriptions; 19 CSR 30-1.064; 3/2/15, 6/15/15

records for practitioners and researchers; 19 CSR 30-1.048; 3/2/15, 6/15/15

transmission of prescriptions; 19 CSR 30-1.062; 3/2/15, 6/15/15

senior and disability services, division of

personal care attendant wage range; 19 CSR 15-8.410; 2/2/15

state public health laboratory, Missouri

testing for metabolic and genetic disorders; 19 CSR 25-36.010; 3/2/15, 6/15/15

**HIGHER EDUCATION, DEPARTMENT OF**

periodic rule review; 6 CSR; 7/1/15

**HIGHWAY PATROL, MISSOURI STATE**

definitions; 11 CSR 50-2.010; 1/2/15, 6/1/15

fuel system; 11 CSR 50-2.290; 1/2/15, 6/1/15

glazing (glass); 11 CSR 50-2.270; 1/2/15, 6/1/15

requisition of inspection stickers, authorities, and decals; 11 CSR 50-2.100; 1/2/15, 6/1/15

special education buses; 11 CSR 50-2.321; 1/2/15, 6/1/15

tires; 11 CSR 50-2.240; 1/2/15, 6/1/15

windshield wipers; 11 CSR 50-2.230; 1/2/15, 6/1/15

**HIGHWAYS AND TRANSPORTATION COMMISSION, MISSOURI**

apportion registration pursuant to the international registration plan; 7 CSR 10-25.030; 6/15/15

oversize and overweight permits; 7 CSR 10-25.020; 1/15/15, 6/15/15

skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 6/15/15, 7/1/15, 7/15/15

**INSURANCE**

annuity mortality tables for use in determining reserve liabilities for annuities; 20 CSR 400-1.130; 2/17/15, 6/1/15  
 applied behavior analysis maximum benefit; 20 CSR; 3/2/15  
 construction claims binding arbitration cap; 20 CSR; 12/15/14  
 sovereign immunity limits; 20 CSR; 12/15/14  
 state legal expense fund; 20 CSR; 12/15/14

**MEDICAID AUDIT AND COMPLIANCE, MISSOURI**

provider enrollment and application; 13 CSR 65-2.020; 7/1/15

**MO HEALTHNET**

adult day health care program; 13 CSR 70-92.010; 8/3/15  
 disproportionate share hospital payments; 13 CSR 70-15.220; 2/17/15, 8/3/15  
 federal reimbursement allowance; 13 CSR 70-15.110; 8/3/15  
 global per diem adjustments to nursing facility and HIV nursing facility reimbursement rates; 13 CSR 70-10.016; 12/15/14  
 home health-care services; 13 CSR 70-90.010; 6/1/15  
 home health-care services reimbursement; 13 CSR 70-90.020; 6/1/15  
 inpatient hospital services reimbursement plan; outpatient hospital services reimbursement methodology; 13 CSR 70-15.010; 8/3/15  
 national drug code requirement; 13 CSR 70-20.340; 8/3/15  
 nursing facility reimbursement allowance; 13 CSR 70-10.110; 8/3/15

**PEACE OFFICER STANDARDS AND TRAINING PROGRAM**

cause to deny corporate security advisor license; 11 CSR 75-18.070; 3/2/15, 8/3/15  
 cause to discipline corporate security advisor licensee; 11 CSR 75-18.060; 3/2/15, 8/3/15  
 change of employment status; 11 CSR 75-18.040; 3/2/15, 8/3/15  
 continuing education requirements; 11 CSR 75-18.030; 3/2/15, 8/3/15  
 inactivation and expiration of corporate security advisor licenses; 11 CSR 75-18.050; 3/2/15, 8/3/15  
 minimum training requirements; 11 CSR 75-18.020; 3/2/15, 8/3/15  
 procedure to obtain a corporate security advisor license; 11 CSR 75-18.010; 3/2/15, 8/3/15

**POLICE COMMISSIONERS, KANSAS CITY BOARD OF**

application forms and licensing fees; 17 CSR 10-2.040; 7/1/15  
 regulation and licensing in general; 17 CSR 10-2.010; 7/1/15

**PROPANE GAS COMMISSION, MISSOURI**

liquefied petroleum gases  
 fiscal year July 1, 2014–June 30, 2015 budget plan; 2 CSR 90; 8/15/14

**PUBLIC SAFETY, DEPARTMENT OF**

office of the director  
 payments for sexual assault forensic examinations; 11 CSR 30-12.010; 3/2/15, 6/15/15

**PUBLIC SERVICE COMMISSION**

annual report submission requirements for telecommunications companies; 4 CSR 240-3.540; 5/1/15  
 assessment requirements; 4 CSR 240-28.050; 5/1/15  
 billing and payment standards for residential customers; 4 CSR 240-33.040; 5/1/15  
 certification or registration requirements; 4 CSR 240-28.030; 5/1/15  
 commission complaint procedures; 4 CSR 240-33.110; 5/1/15  
 connection of equipment of equipment and inside wiring to the telecommunications network; 4 CSR 240-32.090; 5/1/15

customer disclosure requirements; 4 CSR 240-32.160; 5/1/15  
 customer proprietary network information; 4 CSR 240-33.160; 5/1/15  
 customer services; 4 CSR 240-32.050; 5/1/15  
 definitions  
 4 CSR 240-28.010; 5/1/15  
 4 CSR 240-32.020; 5/1/15  
 4 CSR 240-33.020; 5/1/15  
 definitions–caller identification blocking service; 4 CSR 240-32.180; 5/1/15  
 definitions pertaining specifically to telecommunication company rules; 4 CSR 240-3.500; 5/1/15  
 definitions–prepaid interexchange calling services; 4 CSR 240-32.140; 5/1/15  
 deposits and guarantees of payment for residential customers; 4 CSR 240-33.050; 5/1/15  
 discontinuance of service to residential customers; 4 CSR 240-33.070; 5/1/15  
 disputes by residential customers; 4 CSR 240-33.080; 5/1/15  
 electric utility renewable energy standard requirements; 4 CSR 240-20.100; 5/1/15  
 engineering and maintenance; 4 CSR 240-32.060; 5/1/15  
 filing requirements for applications for expanded local calling area plans within a community of interest; 4 CSR 240-2.061; 5/1/15  
 filing requirements for telecommunications company applications for authority to acquire the stock of a public utility; 4 CSR 240-3.535; 5/1/15  
 filing requirements for telecommunications company applications for authority to issue stock, bonds, notes and other evidences of indebtedness; 4 CSR 240-3.530; 5/1/15  
 filing requirements for telecommunications company applications for authority to merge or consolidate; 4 CSR 240-3.525; 5/1/15  
 filing requirements for telecommunications company applications for certificates of interexchange service authority to provide customer-owned coin telephone service; 4 CSR 240-3.505; 5/1/15  
 filing requirements for telecommunications company applications for authority to sell, assign, lease or transfer assets; 4 CSR 240-3.520; 5/1/15  
 filing requirements for telecommunications company applications for certificates of service authority to provide shared tenant services; 4 CSR 240-3.515; 5/1/15  
 filing requirements for telecommunications company applications for certificates of service authority to provide telecommunications services, whether interexchange, local exchange, or basic local exchange; 4 CSR 240-3.510; 5/1/15  
 filing requirements for telecommunications company tariffs; 4 CSR 240-3.545; 5/1/15 general provisions  
 4 CSR 240-28.020; 5/1/15  
 4 CSR 240-32.010; 5/1/15  
 4 CSR 240-33.010; 5/1/15  
 general provisions for the assignment, provision and termination of 211 service; 4 CSR 240-32.200; 5/1/15  
 general provisions–prepaid interexchange calling services; 4 CSR 240-32.130; 5/1/15  
 interconnection agreements; 4 CSR 240-28.080; 5/1/15  
 metering, inspections and tests; 4 CSR 240-32.040; 5/1/15  
 net metering; 4 CSR 240-20.065; 5/1/15  
 operator service; 4 CSR 240-33.130; 5/1/15  
 payment discounts for schools and libraries that receive federal universal service fund support; 4 CSR 240-33.120; 5/1/15  
 pay telephone; 4 CSR 240-33.140; 5/1/15  
 procedure for telecommunications companies that file bankruptcy; 4 CSR 240-3.565; 5/1/15  
 provision of basic local and interexchange telecommunications service; 4 CSR 240-32.100; 5/1/15



qualifications for and responsibilities of the prepaid calling services; 4 CSR 240-32.150; 5/1/15  
quality of service; 4 CSR 240-32.070; 5/1/15  
relay Missouri surcharge billing and collections standards; 4 CSR 240-33.170; 5/1/15  
reporting requirements; 4 CSR 240-28.040; 5/1/15  
required and permitted notices for telecommunications companies and IVoIP or video service providers that reorganize or change names; 4 CSR 240-2.062; 5/1/15  
requiring clear identification and placement of separately identified charges on customer bills; 4 CSR 240-33.045; 5/1/15  
residential customer inquiries; 4 CSR 240-33.060; 5/1/15  
service objectives and surveillance levels; 4 CSR 240-32.080; 5/1/15  
service requirements; 4 CSR 240-28.060; 5/1/15  
settlement agreements with residential customers; 4 CSR 240-33.090; 5/1/15  
snap-back requirements for basic local telecommunications companies; 4 CSR 240-32.120; 5/1/15  
standards for prepaid calling services; 4 CSR 240-32.170; 5/1/15  
standards for providing caller identification blocking service; 4 CSR 240-32.190; 5/1/15  
tariffs; 4 CSR 240-28.070; 5/1/15  
telecommunications company applications for approval of interconnection agreements, amendments to interconnection agreements, and for notices of adoptions of interconnection agreements or statements of generally available terms; 4 CSR 240-3.513; 5/1/15  
telecommunications company records and reports; 4 CSR 240-3.550; 5/1/15  
telecommunications company residential customer inquiries; 4 CSR 240-3.555; 5/1/15  
telecommunications procedure for ceasing operations; 4 CSR 240-3.560; 5/1/15  
211 service; 4 CSR 240-28.090; 5/1/15  
underground systems; 4 CSR 240-30.020; 5/1/15  
uniform system of accounts, Class A or Class B telecommunications companies; 4 CSR 240-30.040; 5/1/15  
variance; 4 CSR 240-33.100; 5/1/15  
verification of orders for changing telecommunications service provider; 4 CSR 240-33.150; 5/1/15

#### **REAL ESTATE APPRAISERS**

applications for certification and licensure; 20 CSR 2245-3.010; 8/3/15  
case study courses; 20 CSR 2245-6.040; 8/3/15  
general organization; 20 CSR 2245-1.010; 8/3/15  
instructor approval; 20 CSR 2245-8.030; 8/3/15  
requirements; 20 CSR 2245-8.010; 8/3/15  
trainee real estate appraiser registration; 20 CSR 2245-3.005; 8/3/15

#### **RETIREMENT SYSTEMS**

public school retirement system of Missouri  
payment of funds to the retirement system; 16 CSR 10-3.010; 3/16/15, 7/1/15  
service retirement  
16 CSR 10-5.010; 6/1/15  
16 CSR 10-6.060; 6/1/15  
source of funds; 16 CSR 10-6.020; 3/16/15, 7/1/15

#### **SECURITIES**

notice filings for transactions under regulation D, rules 505 and 506; 15 CSR 30-54.210; 3/2/15, 7/1/15

#### **SOCIAL SERVICES, DEPARTMENT OF**

division of finance and administrative services  
direct deposit of payments; 13 CSR 10-1.015; 6/1/15

#### **TREASURER**

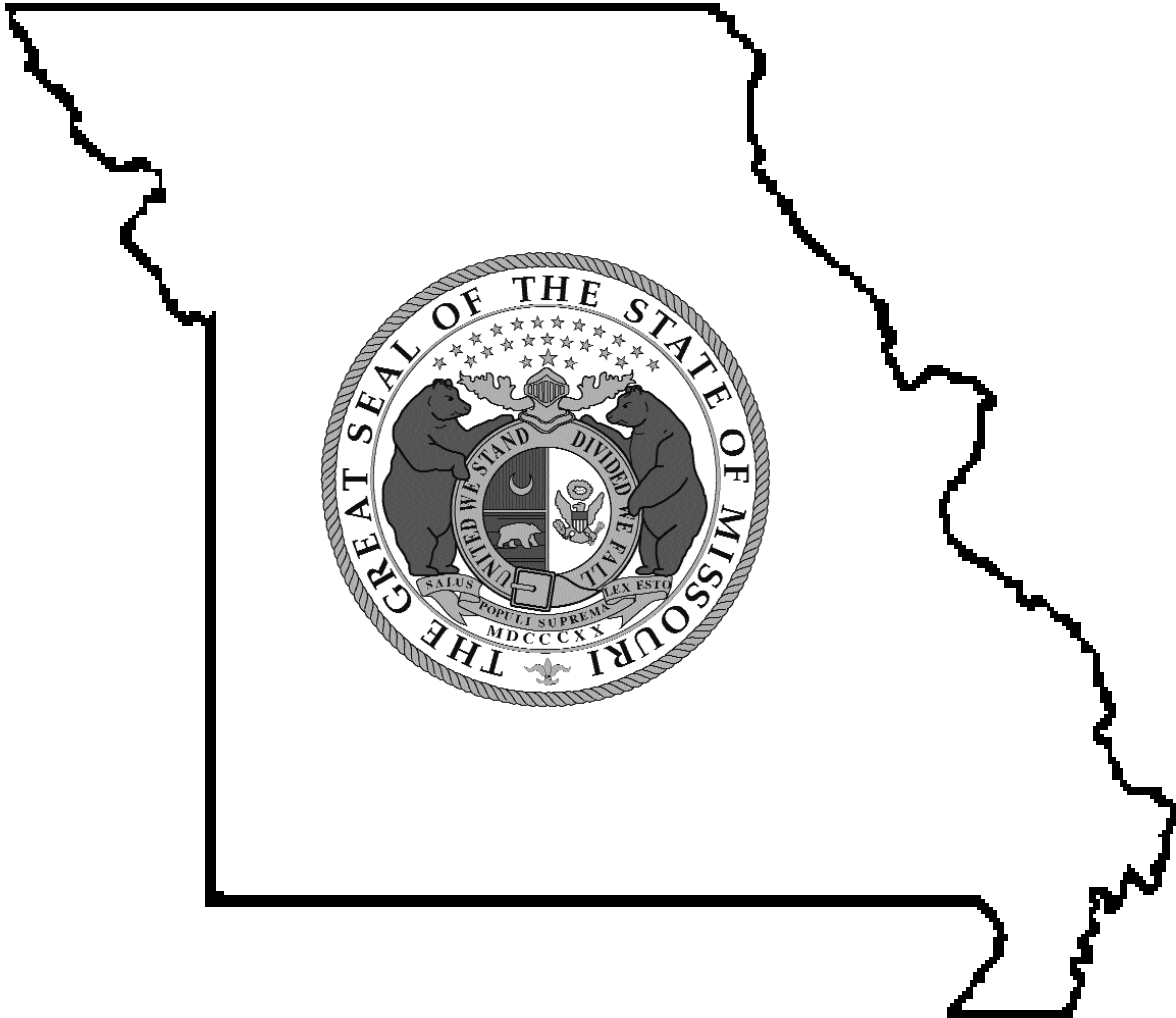
Missouri higher education savings program; 15 CSR 40-4.020; 3/2/15, 6/15/15

#### **WORKERS' COMPENSATION, DIVISION OF**

reasonable standard means test; 8 CSR 50-2.025; 8/3/15

# RULEMAKING 1-2-3

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